

June 23, 2009



TRANSCRIPT

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MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner

Councilmember Valerie Ervin

Councilmember Michael Knapp

Councilmember Nancy Navarro

Councilmember Marc Elrich

Councilmember Nancy Floreen

Councilmember George Leventhal

Councilmember Duchy Trachtenberg

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1 COUNCIL PRESIDENT ANDREWS:

2 Good morning, everybody, and welcome to a meeting of the County Council. We're going  
3 to begin with a moment of silence, and then we'll have the invocation from Reverend Dr.  
4 Rosetta Robinson, so please stand. We're going to take a moment this morning to  
5 remember and grieve for the seven individuals who were killed yesterday in the Metro  
6 crash and give our condolences to their families and our best wishes for all those who  
7 were injured and thank the Montgomery County Fire and Rescue personnel who assisted  
8 with the--with the rescue of the individuals there. Also, we want to remember Army  
9 Specialist Rodrigo Munguia Rivas, who was killed in Afghanistan--a decorated soldier who  
10 lived in Germantown and attended Montgomery County public schools. So please join me  
11 in a moment of silence for all those individuals. Thank you. We're now going to have an  
12 invocation from Reverend Rosetta Robinson of the Interfaith Works in Rockville.

13  
14 ROSETTA ROBINSON:

15 Shall we pray? O God, creator and sustainer of our universe, our prayers this morning are  
16 for our County, as well as for our country. As many concerned Americans are gathering in  
17 the Washington, DC, area for an interfaith service tomorrow evening for healthcare  
18 reform, we are mindful of the many Montgomery County residents --at least 40%--who are  
19 without health insurance. We pray that our County Council would continue, with the  
20 County Executive and all public officials, to lead the way in reducing healthcare disparities  
21 and showing compassion for sharing our healthcare resources with our most vulnerable  
22 residents. We pray for a state and a county where each person is affirmed with dignity and  
23 wholeness and receive adequate health care. We also do not want to end this prayer  
24 without continuing to lift up those who are suffering in our area hospitals and receiving  
25 healthcare right now because of the injuries in that Metro train crash. We pray that they  
26 would receive the healthcare they need to sustain their injuries and recover to good  
27 health. We pray with the peace of God. Shalom. Amen.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 Thank you, Reverend Robinson. Reverend Robinson has graced our presence many  
31 times, though this is the first time, we think in this new renovated facility. So thank you  
32 again for your continuing service to the community. I want to, just on a note of  
33 congratulations, note that former chief of staff to Councilmember Trachtenberg Terry  
34 O'Neill was elected the president of the National Organization for Women over the  
35 weekend, and we can all say that we knew Terry when. Terry is a great leader and an all-  
36 around terrific person, and we wish her well in her new role and look forward to seeing her  
37 again. We're now going to have two presentations that--one will be the--the first will be a  
38 proclamation in recognition of Jonathan Gootenberg and Sneha Kannan of Montgomery  
39 Blair High School and Gary Rogers, teacher at Winston Churchill High School, for winning  
40 the State Siemens Award for Advanced Placement. And Councilmembers Ervin and  
41 Berliner are going to do the honors, I believe.

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1  
2 COUNCIL VICE PRESIDENT BERLINER:

3 Why don't we do them one at a time, or...

4  
5 COUNCIL PRESIDENT ANDREWS:

6 We are. OK.

7  
8 COUNCIL VICE PRESIDENT BERLINER:

9 Just start with Valerie.

10  
11 COUNCIL PRESIDENT ANDREWS:

12 Very good. OK. All right.

13  
14 COUNCILMEMBER ERVIN:

15 Good morning, everyone. I'm very happy this morning to rise to the microphone to first of  
16 all thank all of Montgomery County's teachers, because we all wouldn't be here today  
17 without the care and loving and grace of all our public school teachers, but this morning, I  
18 am here to thank and recognize one in particular, and his name is Bryan Goehring. And  
19 so if Bryan come up to the microphone and stand next to me. Bryan is a science teacher  
20 at Takoma Park Middle School, and as I was speaking with him this morning a few  
21 minutes ago, he remembered my son Solomon, who is 27 years old now, as a student, a  
22 seventh- and eighth-grade student at Takoma Middle, and he was in Mr. Goehring's class.  
23 So he's got a great memory. I hope it was all good.

24  
25 BRYAN GOEHRING:

26 Well...

27  
28 COUNCILMEMBER ERVIN:

29 Let me tell you a little bit about Bryan. He's a science teacher at Takoma Middle School,  
30 and he has received the Teacher of the Year Award for Montgomery County and has a  
31 chance to compete for the Maryland Teacher of the Year. This surprise announcement  
32 took place at the Champions for Children gala on April 21. A teacher for nearly 20 years,  
33 Bryan is now a seventh-grade science teacher and a seventh-grade team leader. He has  
34 made science a favorite course at Takoma Park Middle School, which has a FARMS rate  
35 of 25.5%, and 7% of all the students there are in ESOL. In Goehring's classroom, students  
36 are engaged with interactive, hands-on projects, and he has created his own Web page  
37 so that students and parents can get information about his classes, ask questions, or  
38 learn more about science topics, and as a science department chair, this collaborative  
39 leader offers teachers suggestions and strategies to improve student achievement. An  
40 energetic influence in students' lives, he works with students, and that work doesn't stop  
41 when they leave a classroom. He tutors, coaches youth football, and sponsors a full load



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1 of extracurricular activities. This fall, County Teacher of the Year winners from the 24  
2 Maryland jurisdictions will be honored at a ceremony sponsored by the Maryland State  
3 Department of Education where the Maryland Teacher of the Year will be announced,  
4 and, Bryan, we wish you all the best of luck. Thank you so much. And before I present you  
5 with the proclamation, please say a few words for us. Thanks.

6  
7 **BRYAN GOEHRING:**

8 Her son was amazing--best student I ever had in my life. Well, I'm very honored. This is  
9 an amazing meeting place, first of all. I've never been to a place so fancy, so this is really  
10 nice and exciting for me. And I'm very humbled that I've been recognized by the County  
11 Council, and more importantly, I'm grateful that the leadership here keeps Montgomery  
12 County public schools in the front of all issues, because those are the--that's our future.  
13 Those are the kids that are going to solve some problems that we may be creating  
14 ourselves, and we need to keep that in mind and we need to keep inspiring our kids to do  
15 amazing things. And that's, you know, part of--I want my life to model that. So that's why I  
16 do so many things for the school, and I'm just incredibly grateful. Plus, there are hundreds  
17 and hundreds of other amazing teachers in Montgomery County. If you ever get a chance  
18 to visit a classroom, you would be quite pleased and happy with what's going on, and  
19 that's--I think that's why Montgomery County kind of leads the way in the nation, and I'm  
20 grateful for all the leadership that we get from everybody, so thank you very much.

21  
22 **COUNCILMEMBER ERVIN:**

23 And so I'll present this proclamation to you, Bryan. "Whereas, Bryan Goehring, a science  
24 teacher at Takoma Park Middle School, has been named 2008-09 Montgomery County  
25 Public Schools Teacher of the Year by the Montgomery County Business Roundtable for  
26 Education; and whereas, Bryan Goehring is praised by his students, parents, and fellow  
27 teachers for his creative and enthusiastic approach to education and as one who has  
28 made a difference in the lives of children; and whereas, a teacher for 20 years now, he is  
29 a seventh-grade science teacher and team leader and whose students are engaged with  
30 interactive, hands-on projects, games and lessons, sometimes using fun gadgets and  
31 gizmos; and whereas, Bryan is credited with having a major role in the instructional design  
32 of the science department at Takoma Park Middle School and has made science a  
33 favorite course among its students; and whereas, his energetic influence in student lives  
34 does not stop when the bell rings at the end of the day. Bryan also tutors, coaches youth  
35 football, and sponsors a full load of extracurricular activities, including the Junior Civitans,  
36 the yearbook, the school newspaper, the Forensic and Ski clubs, as well as accompanies  
37 students on a monthly trip to serve food at a homeless shelter and organizes a food drive  
38 during the holidays for needy families; and now, therefore, be it resolved that the County  
39 Council of Montgomery County, Maryland, hereby proclaims congratulations to Bryan  
40 Goehring for being named the 2008-09 Montgomery County Public Schools Teacher of  
41 the Year and for exemplifying how teachers who are committed to academic excellence



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1 can open the doors of success for the young people of Montgomery County. Signed on  
2 this 23rd day of June in the year 2009." Signed by Phil Andrews, Council President.  
3 Congratulations.

4  
5 BRYAN GOEHRING:

6 Thank you very, very much.  
7

8 COUNCIL PRESIDENT ANDREWS:

9 Thank you very much. Congratulations. Thanks for all the good work. Councilmember  
10 Ervin's son, you know, is named Solomon, and so we occasionally have to make  
11 Solomonic decisions here, and we know that gives Councilmember Ervin an edge. All  
12 right. Our next presentation will be made by both Councilmember Ervin and Council Vice  
13 President Berliner. Councilmember Ervin is deferring. So Council Vice President Berliner  
14 will make a presentation to Gary Rogers, who is here--a teacher at Winston Churchill High  
15 School. I understand the students could not be with us this morning, so welcome, Gary  
16 Rogers.  
17

18 COUNCIL VICE PRESIDENT BERLINER:

19 You're welcome to bring your family up, if you'd like.  
20

21 GARY ROGERS:

22 You know what? I don't want to put her in that position. After seeing the first one, she went  
23 to sit right back there.  
24

25 COUNCIL VICE PRESIDENT BERLINER:

26 Well, this is another award in recognition of the terrific teachers that we have in  
27 Montgomery County. We are blessed in Montgomery County with a great school system,  
28 and the heart and soul of that school system are teachers. And it is our teachers that  
29 inspire our children to do great work, and Mr. Rogers is an inspirational teacher who has  
30 taken AP science to another level, and it's an area for our county and for our community  
31 that we need to excel in, particularly in this global economic environment, in which we  
32 need our children to know science and math. And Mr. Rogers

33 is an award-winning AP science teacher, and we are here to honor him and to thank him.  
34 So let me read this proclamation. "Whereas, the Siemens Teacher Scholarship initiative  
35 was launched in March 2005 in partnership with the Thurgood Marshall Scholarship Fund  
36 and the United Negro College Fund to encourage minority students to consider careers  
37 teaching math and science; and whereas, the Siemens Awards for Advancement  
38 Placement are presented each year to one male and one female student in each state  
39 with the greatest number of scores of five on eight specific AP math and science exams,  
40 as well as to teachers and schools based on student participation and performance in  
41 Advancement Placement math, science, and technology courses; and whereas, Winston



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1 Churchill High School environmental science teacher Gary Rogers has been named  
2 Maryland state winner of the Siemens Award for Advanced Placement--AP--for 2009; and  
3 whereas, Gary Rogers, a teacher for 14 years, including the past five in Montgomery  
4 County Public Schools at Churchill, was recognized for his excellence in teaching AP  
5 science; and whereas, the Siemens Foundation provides more than \$7 million annually in  
6 support of educational initiatives in the areas of science, technology, engineering, and  
7 math in the United States; now, therefore be it resolved that the County Council of  
8 Montgomery County, Maryland, hereby proclaims congratulations and salutes Gary  
9 Rogers on his accomplishment and wish him all the best in his future endeavors." Signed  
10 this 23rd day of June in the year 2009 by Phil Andrews, our Council President.  
11 Congratulations.

12  
13 GARY ROGERS:

14 Thank you very much. Thank you.

15  
16 COUNCIL VICE PRESIDENT BERLINER:

17 And why don't you...

18  
19 GARY ROGERS:

20 Wow. Let's see. Bryan is a tough act to follow, as are most of Montgomery County's  
21 teachers. I just want to real quickly say thank you to the Council for the honor, thank you  
22 to the wonderful teachers and administrators that I work with and enable me to do what I  
23 do at Winston Churchill High School, and I'd like to thank my family. My wife is in that  
24 hallway with one son, and my daughter is sitting right back there. Thanks, Laney?????.  
25 Thank you.

26  
27 COUNCIL VICE PRESIDENT BERLINER:

28 Congratulations.

29  
30 COUNCIL PRESIDENT ANDREWS:

31 Thank you, Mr. Rogers, and thank you, Mr. Goehring, for your dedication to the young  
32 people of our community. Thank you, Council Vice President Berliner, for the  
33 proclamation, and Councilmember Ervin, as well. We're now going to go on to general  
34 business and announcements of agenda and calendar changes. Miss Lauer.

35  
36 LINDA LAUER:

37 Good morning. Consent Calendar has two additional items. One is introduction of a  
38 resolution to approve intergovernmental agreement with the Northeast Maryland Waste  
39 Disposal Authority. It's for solar panels at the Transfer Station and Materials Recovery  
40 Facility. That will go to the T&E Committee and then the Council next week. Introduction,  
41 also, of a resolution to recommend Scope of Project for the Northwood High School

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1 Wellness Center. That came out of the committees yesterday and is scheduled for action  
2 next Tuesday. In the Legislative Session, we have an additional bill for introduction. It  
3 would be Expedited Bill 28-09, Motor Vehicles and Traffic - Parking Regulations for  
4 Recreational Vehicles, sponsored by Councilmember Knapp. The public hearing is  
5 scheduled for next Tuesday, June 30, at 1:30. And there were no petitions.

6  
7 COUNCIL PRESIDENT ANDREWS:

8 OK. Thank you, Miss Lauer. All right. Action Item C is approval of the minutes of June 9,  
9 2009. Is there a motion to approve the minutes?

10  
11 COUNCILMEMBER ELRICH:

12 Yes, yes.

13  
14 COUNCIL PRESIDENT ANDREWS:

15 There is a motion, from Councilmember Elrich. Is there a second?

16  
17 COUNCILMEMBER NAVARRO:

18 Second.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 Seconded by Councilmember Navarro. All those in favor of approving the minutes of June  
22 9, 2009, please raise your hand. And that is unanimous. They are approved, 9-0. We'll  
23 now move on to the Consent Calendar. Is there a motion--

24  
25 COUNCILMEMBER LEVENTHAL:

26 Move to approve the Consent Calendar.

27  
28 COUNCIL PRESIDENT ANDREWS:

29 Councilmember Leventhal says, let's approve the Consent Calendar. There's a motion. It's  
30 seconded by Councilmember Ervin. I want to thank all those being appointed this morning  
31 to our boards and commissions for their willingness to volunteer their time to our  
32 community. And I'll note that we're approving the confirmation of County Executive  
33 appointments to the Advisory Board for the Montgomery Cares Program--Okianer  
34 Christian Dark, Pierre-Marie Longkeng, James T. Marrinan, Cesar Palacios, Safia Qadri,  
35 Peter Monge, Richard Bohrer, Pernell Crockett, Brent Ewig, Hugh Hill, Deborah Parham  
36 Hopson, and Duane Taylor to that body. Also, to the Committee for Ethnic Affairs--Arthur  
37 Pavan Bezwada, Yen-Ju Chen, Tyson Bellamy, Jennifer Freedman, Michael Friedman,  
38 Charmaine Cruise, Harry Iceland, Lobna Ismail, Joshua Hedaya, Hans Moore, and  
39 Johnny Yataco; and to the Western Montgomery County Citizens Advisory Board, Nancy  
40 Regelin; and finally, to the Taxicab Services Advisory Committee--Michael L. Pina,  
41 Richard D. Stoll, and Feliciano Mpembele. So we thank all of those individuals for their

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1 willingness to serve our community and to give us their time and their talents. Seeing no  
2 other lights on--seeing no lights for the Consent Calendar, all those in favor, please raise  
3 your hand. That is unanimous. The Consent Calendar is approved, 9-0. We'll now move  
4 on to Item 3, which is action on the confirmation of the County Executive's appointments.  
5 Three appointments are before us this morning for confirmation, and we'll begin with the  
6 director of the Eastern Montgomery Regional Services Center, Joy Nurmi, who is well  
7 known to Councilmembers for her long service here as chief of staff to former  
8 Councilmember--the late Councilmember Betty Ann Krahne and the late  
9 Councilmembers Marilyn Praisner and Don Praisner. And we thank Joy for her years of  
10 service to our County and congratulate her on her appointment as director of the Eastern  
11 Montgomery County Regional Services Center by the County Executive. And we had a  
12 chance to interview Miss Nurmi a couple of weeks ago, and we all look forward to working  
13 with her to continue to make eastern Montgomery County an even better place to live,  
14 work, and play. So with that, I'll see if there are any comments from any of my colleagues  
15 about the appointment. I see Councilmember Navarro has a comment.

16  
17 COUNCILMEMBER NAVARRO:

18 I just want to congratulate you, Joy, on this appointment. I'm truly excited about this  
19 opportunity because I know you are going to bring an amazing wealth of knowledge, of  
20 enthusiasm to all the things that we can do for District 4, and I know that the residents of  
21 the east area of the County are going to be well served by you. And so I just want to say  
22 congratulations, and I look forward to some incredible opportunities that we can explore  
23 together.

24  
25 COUNCIL PRESIDENT ANDREWS:

26 Thank you, Councilmember Navarro. On behalf of the entire Council, I want to wish  
27 Fariba, who is here accompanying Miss Nurmi, a speedy recovery. Good to see you.  
28 Thanks for going the extra mile to be here. And with that, I think we're ready to vote. All  
29 those in favor of the nomination of Joy Nurmi to be the director of the Eastern  
30 Montgomery County Regional Services Center, please raise your hand. That is  
31 unanimous. Congratulations. Would you like to make any remarks? Press that button, on  
32 the--There it is.

33  
34 JOY NURMI:

35 I guess I should have paid more attention to the briefings when this room was being  
36 constructed. I just wanted to say thank you very much to Councilmember Navarro. Those  
37 were very kind comments, and I look forward to working very closely with yourself and  
38 with Councilmember Ervin, because you know, we're--we're bordering on each other's  
39 districts, and continuing to work with the-- the citizens of the east County and to continuing  
40 to work with all of you, too. That's very exciting for me, to be able to do that. And with the



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1 at-large Councilmembers, too. I'd like to include them a little bit more in the Regional  
2 Services Center activities. Thank you.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 Thank you, Joy. All right. We will now move on to confirmation of our next appointment  
6 from the County Executive, and that is Reemberto Rodriguez, who is being appointed  
7 director of Silver Spring Regional Services Center. Good morning. Nice to see you again.  
8 We had a chance to interview Mr. Rodriguez a couple of weeks ago and very much look  
9 forward to his service in this new role. Mr. Rodriguez has been a very active member of  
10 the community, particularly in the Silver Spring area, and we thank him for stepping  
11 forward to take on this important position. And I'll ask if there are any comments from my  
12 colleagues. Councilmember Navarro? Did I-- are you still on, or not?

13  
14 COUNCILMEMBER NAVARRO:  
15 I'm off.

16  
17 COUNCIL PRESIDENT ANDREWS:  
18 OK. I think--my mistake here. Councilmember Ervin.

19  
20 COUNCILMEMBER ERVIN:  
21 First of all, I'd like to congratulate what I think will be a unanimous vote for the--to approve  
22 your appointment, Reemberto. We are so excited in Silver Spring to have you come run  
23 the Regional Services Center, and I know you bring a real knowledge to the table about  
24 planning and development, based on your past experiences in Atlanta. And I have come  
25 to know you a little bit better over the last few weeks, and I am really, really looking  
26 forward to working very closely with you, and I think this is an excellent nomination and  
27 recommendation, and I will be supporting it.

28  
29 COUNCIL PRESIDENT ANDREWS:  
30 Very good. Thank you, Councilmember Ervin. And I think that I speak for all members of  
31 the Council when I say we are excited, looking forward to working with you in this new  
32 role, and with that, I think we're ready to vote on this nomination. You know, I didn't ask for  
33 a motion. I don't think we need a motion on this, do we? No. Good. OK. Well, all those,  
34 then, in favor of the confirmation of Reemberto Rodriguez as the director of the Silver  
35 Spring Regional Services Center, please raise your hand. And that is unanimous.  
36 Congratulations. Mr. Rodriguez, would you like to make any remarks?

37  
38 COUNCILMEMBER FLOREEN:  
39 Press the button.

40  
41 REEMBERTO RODRIGUEZ:



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1 There. To all of you, thank you. Councilmember Ervin, thank you. It's really been a  
2 tremendous pleasure. The more--the more I get into this, the more I look forward to it, and  
3 the pleasure of working with each and every one of you and the folks in the community, in  
4 the business community and the residential community and elsewhere, to really make this  
5 happen in a quality way. So again, thank you, and I look forward to it. Thank you.

6  
7 COUNCIL PRESIDENT ANDREWS:

8 Thank you. Councilmember Leventhal has his light on.

9  
10 COUNCILMEMBER LEVENTHAL:

11 No, Mr. President. I'll speak to Dr. Crowel.

12  
13 COUNCIL PRESIDENT ANDREWS:

14 Next. OK. Very good. OK. Well, congratulations. Thank you for stepping forward, and we  
15 look forward to working with you in the years ahead. We have one more confirmation this  
16 morning, and that is of Raymond Crowel to be the chief of the Behavioral Health and  
17 Crisis Services of our Department of Health and Human Services. And if Mr. Crowel would  
18 join us up front. Nice to see you. Good morning. And I will ask the chair of our Health and  
19 Human Services Committee, Councilmember Leventhal, to say a few words or to make  
20 any comments he wishes.

21  
22 COUNCILMEMBER LEVENTHAL:

23 Right. Thank you, Mr. President. The Health and Human Services Committee did have a  
24 thorough discussion with Dr. Ray Crowel, who is a distinguished psychologist, previously  
25 ran Children's Mental Health Services in Baltimore City, and also has worked for national  
26 organizations that monitor behavioral health, mental health, particularly issues affecting  
27 children. He is a graduate of Rutgers and the University of Michigan and has published a  
28 number of research papers in refereed journals, so he comes to us with an impressive  
29 academic and administrative and counseling background. I think we're lucky to get him.  
30 We were impressed with our conversation with him. Obviously, the area of behavioral  
31 mental health, substance abuse, is an area of great interest to all three members of the  
32 HHS Committee-- myself, Councilmember Trachtenberg, and Councilmember Navarro--  
33 and so we will be interacting extensively with Dr. Crowel, and we're happy he's coming on  
34 board, and we recommend his confirmation.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 Thank you, Councilmember Leventhal, for those words. I think we are ready to vote on the  
38 appointment, so all those in favor of the confirmation of Raymond--Dr. Raymond Crowel  
39 as chief of the Behavioral Health and Crisis Services of the Department of Health and  
40 Human Services, please raise your hand. That is unanimous. Congratulations. Dr. Crowel,  
41 would you like to make any remarks?

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1  
2 RAYMOND CROWEL:

3 I'd just like to say thank you to the Council for this opportunity. The more I've gone through  
4 this process--as I've gone through this process, I've discovered more and more to like  
5 about this process and this opportunity to do this work. I'm looking forward to putting my  
6 shoulder to the wheel with a team of very talented folks who have done a lot and seeing  
7 what I can do to add to that process. So thank you very much, again.  
8

9 COUNCIL PRESIDENT ANDREWS:

10 Thank you, and we look forward to working with you. That concludes our confirmations  
11 this morning, and now we will move to the District Council session. Our first item there is  
12 action on the Twinbrook Sector Plan Sectional Map Amendment, and I will turn to--that's  
13 G-880. I'll turn to the chair of the PHED Committee, Councilmember Mike Knapp, for any  
14 comments he has to make on this item.  
15

16 COUNCILMEMBER KNAPP:

17 Actually, this didn't go to committee.  
18

19 COUNCIL PRESIDENT ANDREWS:

20 All right.  
21

22 COUNCILMEMBER KNAPP:

23 And so I--  
24

25 COUNCIL PRESIDENT ANDREWS:

26 Well, we're interested in your comments anyway.  
27

28 COUNCILMEMBER KNAPP:

29 Happy to wax poetic.  
30

31 COUNCIL PRESIDENT ANDREWS:

32 OK.  
33

34 COUNCILMEMBER KNAPP:

35 No. As I think as everyone knows, once we complete a Master Plan, we then actually  
36 need to do the rezoning to get the Sectional Map Amendment. This is the Twinbrook  
37 Sector Plan Sectional Map Amendment. There really were no controversies. Staff  
38 recommended approval of the SMA. Councilmembers should remember that  
39 consideration of an SMA is subject to the ex parte rule, and therefore the Council may  
40 only consider information that's part of the public record. Staff recommends against  
41 allowing any member of the audience, other than staff, to participate in worksession

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1 discussions, since their comments now be made part of the official record, so if anyone  
2 had had any discussions, now would be the time to disclose that. I would guess that  
3 people probably didn't, since there wasn't a lot of discussion about the Master Plan when  
4 we did it. There aren't really any--there weren't really any issues, so just see if there are  
5 any questions.

6  
7 COUNCIL PRESIDENT ANDREWS:  
8 Don't see any.

9  
10 COUNCILMEMBER KNAPP:  
11 Don't see any. All right.

12  
13 COUNCIL PRESIDENT ANDREWS:  
14 OK. All right. Thank you. We are then ready to vote...

15  
16 COUNCILMEMBER KNAPP:  
17 I like no issues.

18  
19 COUNCIL PRESIDENT ANDREWS:  
20 ...on the Twinbrook Sector Plan Sectional Map Amendment, G-880. We need a motion.

21  
22 COUNCILMEMBER FLOREEN:  
23 So moved.

24  
25 COUNCIL PRESIDENT ANDREWS:  
26 Moved by Councilmember Floreen.

27  
28 COUNCILMEMBER NAVARRO:  
29 Second.

30  
31 COUNCIL PRESIDENT ANDREWS:  
32 Seconded by Councilmember Navarro, I think. And so that is before us now. This is a roll  
33 call vote. Will the clerk please --it was. No? It's not? Oh, OK. All right. My chart says it is,  
34 but I defer to the clerk.

35  
36 MARC HANSEN  
37 It is a roll call vote.

38  
39 COUNCIL PRESIDENT ANDREWS:  
40 It is a roll call. OK. All right. All right, then. Will the clerk please call the roll?  
41



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1 MARY ANNE PARADISE:  
2 Miss Navarro.  
3  
4 COUNCILMEMBER NAVARRO:  
5 Yes.  
6  
7 MARY ANNE PARADISE:  
8 Mr. Elrich.  
9  
10 COUNCILMEMBER ELRICH:  
11 Yes.  
12  
13 MARY ANNE PARADISE:  
14 Miss Trachtenberg.  
15  
16 COUNCILMEMBER TRACHTENBERG:  
17 Yes.  
18  
19 MARY ANNE PARADISE:  
20 Miss Floreen.  
21  
22 COUNCILMEMBER FLOREEN:  
23 Yes.  
24  
25 MARY ANNE PARADISE:  
26 Mr. Leventhal.  
27  
28 COUNCILMEMBER LEVENTHAL:  
29 Yes.  
30  
31 MARY ANNE PARADISE:  
32 Miss Ervin.  
33  
34 COUNCILMEMBER ERVIN:  
35 Yes.  
36  
37 MARY ANNE PARADISE:  
38 Mr. Knapp.  
39  
40 COUNCILMEMBER KNAPP:  
41 Yes.

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MARY ANNE PARADISE:  
Mr. Berliner.

COUNCIL VICE PRESIDENT BERLINER:  
Yes.

MARY ANNE PARADISE:  
Mr. Andrews.

COUNCIL PRESIDENT ANDREWS:

Yes. The map amendment for the Twinbrook Sector Plan is adopted, 9-0. Thank you. We'll now move on to Item 5, which is action on amendment to Chapter 33A, Planning Procedures - Master Plan Process - public hearing timing period. We have a recommendation from the Planning, Housing, and Economic Development Committee, recommending approval with amendments. I'll turn to the chair, Councilmember Knapp.

COUNCILMEMBER KNAPP:

Thank you, Mr. President. This was a bill introduced by Councilmember Leventhal. As I think many Councilmembers know, this year in particular has been a challenge in that we're getting a series of Master Plans, and we have a fairly tight timeframe in which to address them. This kind of--sometimes there are issues that don't really bring themselves to fruition until circumstances present themselves, and this is one of those cases where all of a sudden we realize that we were kind of bound by various scheduling issues, and there wasn't really a good reason to necessarily have ourselves bound by that. And Mr. Leventhal, to his credit, saw an opportunity to come up with a way to better streamline the process, still making sure we get full public participation and public input, but not necessarily keeping our hands tied as to when we could actually begin to take--begin to work--take--have the public hearing and begin to work on the actual Master Plans themselves. And so what he's put before us is a bill to effectively expedite that process. I'm going to turn to Mr. Zyontz to walk through changes from what currently exists, what was the amendment that Mr. Leventhal introduced, and then--through the Council President's very persuasive advocacy--what the committee ultimately ended up adopting, just so people can understand what we're changing, what we're not changing in the opportunity for public input throughout the process. Mr. Zyontz.

JEFF ZYONTZ:

Thank you, Where we started is--is a mix of state legislation and Council legislation on the timing of Master Plans. The County Executive has 60 days in which to comment on--on the Master Plan. The Council has respected that by statute and not allowed the advertisement, even, of a Master Plan until that 60 days has run. So if you look on the top

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1 line of the display I have, after 60 days, you can advertise, then state law requires a 30-  
2 day period between the publication of the ad and when the public hearing occurs. So that  
3 effectively means you have 90 days between the time that a plan is transmitted and the  
4 time that you can hold a public hearing. That's the absolute minimum. It really works out  
5 longer, and I'll show you why in a second. The amendment as introduced would allow the  
6 Council to advertise a public hearing--not require, but allow them to advertise it 30 days  
7 after receiving the plan, which means that a public hearing could be held as early as about  
8 60 days after the plan was received. In reality, because the advertisement occurs on a  
9 Thursday and your meetings are on a Tuesday, it's 65 days that would be the minimum  
10 time under the ZTA--under the amendment to 33A as introduced. Now, let's compare the  
11 amendment as introduced to the amendment being proposed by the committee. Again, we  
12 had a public hearing possible at 60 days. The amendment, as revised, would allow the  
13 Council to hold a public hearing as early as 30 days after it gets the plan. Again, that  
14 would be really 35 days. It's 30 days by legislation. That would, in theory, allow the  
15 Council to hold public hearings before the Executive comments are due. Of course, I  
16 suspect and know that the Council would communicate with both the Executive and each  
17 other on--on whether it was worth delaying the plan to wait for the County Exec, but it  
18 would give the Council the ability to go forward, as soon as it gets the plan, to go forward  
19 with the advertisement. So you could be done with your public hearing process much  
20 earlier in the process and have much more time for your action. Again, by state legislation,  
21 you have 180 days from the time that the Executive submits their-- his comments to the  
22 time in which you must act or extend the period for a plan. So the sooner you get through  
23 the public hearing process, the sooner you can go into deliberations and not have to worry  
24 about extensions.

25  
26 COUNCILMEMBER KNAPP:  
27 Thank you. Are there questions?

28  
29 COUNCIL PRESIDENT ANDREWS:  
30 Councilmember Elrich has a question or a comment.

31  
32 COUNCILMEMBER ELRICH:  
33 I think I was originally listed as not having a strong opinion on this, and the more I think  
34 about this, the less comfortable I am with the sharp compression of time period on the  
35 front. I think it would be a mistake to have public hearings before we have comment from  
36 the Executive because I would expect that the Executive and the Executive departments  
37 to provide information and perspective that not all citizens may be able to glean on their  
38 own just from digesting the Park and Planning report. I mean, I think we ourselves have  
39 had trouble sometimes digesting what's in-- what's brought over to us from Park and  
40 Planning on these Master Plans, and I think that the public may be in an equally difficult  
41 situation. My inclination would be to at least either allow--at least do this 30 days after the



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1 Executive submits, which means if the Executive were to respond in 30 days, you could  
2 get a 60- or a 65-day hearing, or to at least set a minimum of no earlier than 75 days so  
3 that they're guaranteed at least two weeks after the Executive's comments to think about  
4 the Executive's comments in light of how--how they want to testify on the hearing. But I  
5 think it puts people at a real disadvantage to have the possibility of hearings being set  
6 before they have the benefit of the Executive's comments.

7  
8 COUNCILMEMBER KNAPP:

9 If I might, Mr. President.

10  
11 COUNCIL PRESIDENT ANDREWS:

12 Yes. Councilmember Knapp.

13  
14 COUNCILMEMBER KNAPP:

15 No, I appreciate the concerns raised by--by Mr. Elrich, but I think that what is laid out here  
16 gives the--basically gives the Council latitude and discretion. We've already heard from  
17 the Executive branch that they're hoping to accelerate their process in reviewing Master  
18 Plans and getting us that information. So a lot of this actually becomes more of a  
19 scheduling issue as it does anything else, that if we sit here now--I mean, I sat down with  
20 staff last week to begin to lay out the next three Master Plans, and without any change,  
21 we have to assume a worst-case scenario for scheduling, which then takes us out the full  
22 90 and 150 days to get things done, as opposed to being able to potentially have some  
23 flexibility in that scheduling if we're in conversations with the Executive branch and we  
24 know they're going to get us information sooner, which then gets to the point that you've  
25 raised, which is making sure that people have that information. And so I think this is much  
26 more of a--of an issue of semantics, and it just gives us the discretion. It doesn't  
27 necessarily lock us into anything, whereas the other one really locks us into a much longer  
28 timeframe, from a scheduling perspective and ends up taking a lot longer to get things  
29 done. And so I think that --I hear what you're saying, but I think practically, this doesn't  
30 necessarily get us to any different outcome than what you articulated.

31  
32 COUNCIL PRESIDENT ANDREWS:

33 Yeah. I would just add I think that this additional flexibility would be helpful. It still ensures  
34 there would be at least 35 days, given the timing of advertisements between when the  
35 Council received a plan and when there could be a public hearing on it. In most cases, it  
36 would probably be longer than that. But it would give the Council the ability to have that  
37 when it thinks that that is in the public interest, and there are a couple of ways to try to  
38 address the issue, if necessary, of having the Executive's comments by the time of the  
39 public hearing or before the public hearing. One is for the Executive branch to provide the  
40 comments within 30 days rather than 60--although, again, it's up to them--and the other  
41 would be for the Council and Executive to continue to talk as we do and to work together

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1 to adjust the public hearing so that it works for everybody. But it would increase the  
2 flexibility of the Council to have a public hearing within 35 days if the Council thinks that's  
3 important to do for having the process work as well as we think it needs to and to have  
4 more time for committee action after the public hearing than between the public hearing  
5 and action. Councilmember Elrich.

6  
7 COUNCILMEMBER ELRICH:

8 I just think--the question is, to a large extent, work for who? Speeding it up may work  
9 better for us, and it may work better with--it might facilitate our schedule, but if it doesn't  
10 work better for the community, then I'm not sure that's working better, and your suggestion  
11 that we could, of course, work with the Executive and time this kind of relies on them  
12 knowing early on how much time they're going to need. I mean, maybe they can do it in 30  
13 days. It would be nice if they could, but maybe they can't, and maybe there are reasons  
14 for that. It relies a lot on communication and making the right decision early on in the  
15 process as to how long you think it's going to take, and I guess I would prefer a more  
16 certain, you know, requirement that you have to have the Executive's report before you  
17 have a public hearing. I just-- I think that while you may well try to do this, and I'm sure  
18 that you would be intentioned to accomplish that, it doesn't necessarily turn out that way.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 I'll turn to Councilmember Leventhal in just a minute. I'll make one more comment--that is  
22 that Master Plans are on a long schedule in terms of the notice, and so both the Council  
23 and Executive are well aware when the Planning Board is working on a Master Plan. You  
24 know, each Master Plan is worked on over a period of time, and so it does give the  
25 Executive branch--the Executive branch has the opportunity to get a head start by tracking  
26 the discussions going on at the Planning Board --as do we, in terms of thinking about the  
27 issue. Let me turn to Councilmember Leventhal, and then I see Mr. Zyontz has a  
28 comment he wants to make.

29  
30 COUNCILMEMBER LEVENTHAL:

31 Well, thank you, Mr. President, and I appreciate your efforts to improve this legislation,  
32 and I appreciate the work of the committee, and I thank Jeff Zyontz. We introduced this as  
33 the result of a conversation with the Planning Board in which both board members and  
34 Councilmembers were concerned about the community not being able to promptly and--  
35 and-- and efficiently participate. We have a backlog of Master Plans. That doesn't serve  
36 the community. The community wants these Master Plans to come before the Council.  
37 They want to have input, and they don't want the consideration of Master Plans to be  
38 delayed, delayed, delayed such that we can't get to them. Most of what I hear from my  
39 constituents is, when is my Master Plan coming up? When can we move it? When can we  
40 expedite it? And so what we end up with here is a traffic jam with Master Plans that can't  
41 be considered. So, absolutely we want public input. We want public input in public



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1 hearings. We want to hear the reaction of the public to the Master Plans that we're  
2 considering. If we have the opportunity to have the public consider the Executive's views,  
3 that's desirable, but we have had a situation ever since I've been here where it's very  
4 difficult for us to get through the Master Plans that we want to get through to. And so,  
5 absolutely, the purpose--and the public wants us to do that, so--at least the ones I hear  
6 from. So, I don't--I don't hear from constituents who say, please don't move quickly on  
7 Master Plans; please slow them down. We have, just as an obvious example, we've all  
8 heard from the town of Kensington, who was very anxious to speed them up. And so the  
9 intent of this is to facilitate public input-- absolutely not to foreclose it or in any way shut it  
10 down or avoid it. We want public input. We want to consider these things expeditiously  
11 and move through the Council's business-- especially this year. We want to get through as  
12 many Master Plans as we can during the term of this Council.

13  
14 COUNCIL PRESIDENT ANDREWS:

15 Thank you, Councilmember Leventhal, and thank you for sponsoring the initiative. Mr.  
16 Zyontz.

17  
18 JEFF ZYONTZ:

19 Just a couple of comments. Number one, Glenn Kreger is here from the Planning Board.  
20 He can speak to the fact that they--they solicit on an ongoing basis the participation by  
21 community members throughout the process, and their--the actions of the Planning Board  
22 are online and available to people. The action of the Planning Board occurs generally--the  
23 final action of the Planning Board on what they're going to transmit occurs at least three  
24 weeks before we actually get the transmittal. So there's time between when the board's  
25 last action occurs and when we actually receive a plan, as well, that's not included in any  
26 legislation.

27  
28 COUNCILMEMBER KNAPP:

29 And I guess just as a final point, we witnessed this yesterday. We had a worksession on a  
30 Master Plan that went about three and a half hours, primarily because once you actually  
31 start to get into the conversation and a public discourse, there are a number of issues that  
32 people have had a long time to comment on but there hasn't been much dialogue about,  
33 and so we ended up talking about a lot of fairly-- what appeared to be minor issues, but  
34 once we actually started talking about them, they engaged a lot of conversation on the  
35 part of the committee and some things actually ended up being pushed off because we  
36 needed more information. And so I guess if it could get us to a public discourse with all the  
37 participants and the community sooner, I think you actually end up getting a more fruitful  
38 dialogue with the community than people just responding to a static plan and a piece of  
39 paper that's lying in front of us. And so I think that we saw that just yesterday, that the  
40 sooner we can get it in dialogue, I think the better off we are for everybody.

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1 COUNCIL PRESIDENT ANDREWS:

2 Thank you. I would note--and I'll turn to Councilmember Elrich again in just a minute--that  
3 the--the measure would also allow the Council to establish --to have a public hearing  
4 scheduled without having the Council to have to be in session and approve a specific  
5 resolution. For example, if we receive the Master Plan from the Planning Board in the  
6 middle of a recess--say in the middle of August, which could happen-- we could establish  
7 a public hearing from that date, rather than waiting until the Council comes back a month  
8 later.

9  
10 JEFF ZYONTZ:

11 And if I can describe that as a difference in practice rather than in law-- there was nothing  
12 in law that required you to do it by resolution, but that was your practice. Since it was your  
13 practice, we have some word changes to make sure that you can do it otherwise.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 Thank you. Councilmember Elrich.

17  
18 COUNCILMEMBER ELRICH:

19 That last change is--I don't find problematic at all, but remind people that, you know, civic  
20 organizations, for example, may only meet monthly, and that they may not--you know,  
21 their schedule for meeting may not time very well with our hearing schedule. And our  
22 problem with delay has not been because we can't schedule a public hearing. We've  
23 spaced out the Master Plans not because we couldn't figure out, in 52 weeks, what week  
24 to hold the public hearing. We spaced them out based on what Park and Planning said  
25 their work plan was likely to be, and Kensington is actually an interesting example  
26 because Park and Planning told us, without our knowing, that they pulled the historic  
27 review out of the Master Plan to conform to our request for it being done in a certain time,  
28 and the people in Kensington have said to us, "We didn't know you were pulling the  
29 historic review out of the Master Plan. We want that as part of the Master Plan. Either  
30 include it in the timeframe, or take enough time to do it right." And I hardly think that  
31 anybody in the community cares whether Master Plans come--get to a hearing at 60 days  
32 or 75 days. I really don't believe that people are chomping at the bit in our residential  
33 communities for the redo of a Master Plan--if you say, "Well, the hearing is going to be two  
34 weeks later," that anybody really is going to get upset about that.

35  
36 COUNCILMEMBER KNAPP:

37 OK.

38  
39 COUNCIL PRESIDENT ANDREWS:

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1 Thank you. OK. I don't see any other comment, so I thank the committee for their work,  
2 thank Councilmember Leventhal for his initiative, and I think we are ready for a vote. Will  
3 the clerk please call the roll?

4  
5 MARY ANNE PARADISE:  
6 Miss Navarro.

7  
8 COUNCILMEMBER NAVARRO:  
9 Yes.

10  
11 MARY ANNE PARADISE:  
12 Mr. Elrich.

13  
14 COUNCILMEMBER ELRICH:  
15 No.

16  
17 MARY ANNE PARADISE:  
18 Miss Trachtenberg.

19  
20 COUNCILMEMBER TRACHTENBERG:  
21 Yes.

22  
23 MARY ANNE PARADISE:  
24 Miss Floreen.

25  
26 COUNCILMEMBER FLOREEN:  
27 Yes.

28  
29 MARY ANNE PARADISE:  
30 Mr. Leventhal.

31  
32 COUNCILMEMBER LEVENTHAL:  
33 Yes.

34  
35 MARY ANNE PARADISE:  
36 Miss Ervin.

37  
38 COUNCILMEMBER ERVIN:  
39 Yes.

40  
41 MARY ANNE PARADISE:

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1 Mr. Knapp.

2  
3 COUNCILMEMBER KNAPP:

4 Yes.

5  
6 MARY ANNE PARADISE:

7 Mr. Berliner.

8  
9 COUNCIL VICE PRESIDENT BERLINER:

10 Yes.

11  
12 MARY ANNE PARADISE:

13 Mr. Andrews.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 Yes. The measure is approved, 8-1. Thank you. All right. We'll now move on to  
17 introduction of Item 5.1, Subdivision Regulation Amendment 09-02, Subdivision Approval -  
18 Conflict Resolution, sponsored by Councilmember Floreen, and the action will be to  
19 establish a public hearing for July 28 at 1:30 PM. I'll turn to Councilmember Floreen for  
20 any comments she has.

21  
22 COUNCILMEMBER FLOREEN:

23 Thank you very much, Mr. President. I just wanted to thank the Department of Permitting  
24 Services advisory group because they did a lot of work in evaluating the development  
25 review process, and one of their key recommendations is that we find a way to move  
26 things along where there are disagreements between agencies. And so this is not a  
27 complete accommodation of their wishes--they'd sort of like us to change state law-- but to  
28 address the fundamental point. So I look forward to working with the industry and my  
29 colleagues on this as we move it forward. I think Mr. Zyontz has a couple of technical  
30 changes. Is that correct, Jeff?

31  
32 JEFF ZYONTZ:

33 Yes. I passed out, in the Council's inboxes, a revised version of what you're introducing  
34 today.

35  
36 COUNCILMEMBER FLOREEN:

37 So there's a little revision.

38  
39 JEFF ZYONTZ:

40 The revision is that the short title was inconsistent with the other short title, so we got that  
41 right. It didn't--

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COUNCILMEMBER FLOREEN:

Now it's a long title.

JEFF ZYONTZ:

No. The short title is "Subdivision Approval - Conflict Resolution."

COUNCILMEMBER FLOREEN:

I think that's a better way to put it than "Lead Agency Legislation," because what it is, is to resolve conflict so that all the players know what the rules are in a consistent fashion as they go through the--through the process.

JEFF ZYONTZ:

And under Section 1, the version in your packet said 50-35(c). It's just 50-35, as indicated in the long title of the bill, so... With those amendments, I think that would accommodate what you want to do.

COUNCILMEMBER FLOREEN:

Thanks.

COUNCIL PRESIDENT ANDREWS:

Thank you, Councilmember Floreen. I don't see any other comments. We do need a motion, in this case, to establish the resolution.

COUNCILMEMBER ELRICH:

So moved.

COUNCILMEMBER FLOREEN:

Second.

COUNCIL PRESIDENT ANDREWS:

OK. So, motion by Councilmember Elrich to establish a public hearing for July 28 at 1:30 PM. Seconded by Councilmember Floreen. All those in favor of --of that, please raise your hand. That is unanimous, so we will have a public hearing on this July 28 at 1:30. Next is introduction of Zoning Text Amendment 09-05, Burtonsville Overlay Zone - Allowed Uses, sponsored by Councilmember Navarro. I'll turn to Councilmember Navarro, see if she has any comment she'd like to make.

COUNCILMEMBER NAVARRO:

Well, basically, this ZTA is to hopefully affirm what the Planning Board's interpretation of what the Burtonsville Overlay Zone was as we move forward with revitalization of



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1   Burtonsville. This is a particular issue regarding storage facilities that the community, the  
2   residents, et cetera, have been absolutely concerned and hope that we can address it in  
3   order to move forward with a comprehensive vision of Burtonsville, so this is why I'm  
4   introducing this. I would like to note that Councilmember Elrich and Councilmember  
5   Trachtenberg would like to also be sponsors of this particular ZTA, and we shall see what-  
6   - what happens.

7  
8   COUNCIL PRESIDENT ANDREWS:

9   OK. Very good. Thank you. And would you like to make a motion for the public hearing?

10  
11   COUNCILMEMBER NAVARRO:

12   So moved.

13  
14   COUNCILMEMBER ELRICH:

15   Second.

16  
17   COUNCIL PRESIDENT ANDREWS:

18   All right. Moved by Councilmember Navarro, seconded by Councilmember Elrich, to have  
19   a public hearing on July 28 at 1:30 on Zoning Text Amendment 09-05. All those in favor,  
20   please raise your hand. That is unanimous. All right. That concludes our District Council  
21   session, and now we'll move on to Legislative Session, day number 26. First we have a--  
22   [No audio due to technical problems]

23  
24   COUNCILMEMBER FLOREEN:

25   ...their lives yesterday. Hopefully, the number is not going up today. This--this issue came  
26   up in the course of the Council's deliberations on the budget this year. What has  
27   preserved our transit system this year was some--basically stimulus money that allowed  
28   the state to return money to the County transit system that had otherwise been --was  
29   going to be withheld this spring and some quick thinking by Mr. Orlin which allowed us to  
30   find a way to keep some bus systems running within Montgomery County. Given the very  
31   difficult economic times that we've had, it is--become a longstanding question, for me, at  
32   least, how we continue to find ways to finance our transit --or least keep options open as  
33   we move forward into completely uncharted fiscal times. The--in the course of the budget,  
34   the committee recommended, and the Council agreed, that we would not pursue this  
35   proposal, which is basically--well, I'll get to it in a minute--and found another way to keep  
36   our buses running. But I thought it was important that we continue to have this  
37   conversation. Long-term is, what kinds of options do we keep on the table for the County  
38   as we continue our commitment to transit services, and face a charter limit that restricts  
39   our ability to spread this cost around to all our residents as much as some folks would like  
40   us to. What the bill proposes is that there be added to the list of financing options for  
41   parking lot district funds the funding of bus service provided by the Department of

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1 Transportation that directly serves the parking lot district. That's added to the current  
2 transfers that happen within this fund. Funding urban districts, funding transportation  
3 system management systems within the urban district, funding and implementing transit  
4 and ridesharing incentive programs, and establishing cooperative County and private-  
5 sector programs to increase ridesharing and transit usage. When we took this up in the  
6 committee--and I'll certainly encourage--allow colleagues on T&E Committee to weigh in  
7 here--there was concern that because we had found a solution in the most recent budget  
8 deliberations, there was no need to--to go to this approach. And we've heard --what's  
9 been interesting about this is the amount of concern raised by leaders in our business  
10 districts. We've got all of Bethesda over there. We've got Silver Spring in the middle here.  
11 I don't know if anyone is here from Wheaton. A lot of concern that this was an effort to  
12 somehow impair or raid the functionality of parking services within our urban districts. And  
13 I would simply say nothing could be farther from the truth. The issue is really whether or  
14 not it's appropriate in the absence of pressure--fiscal pressure --to continue a  
15 conversation about how we fund our transit infrastructure and keep on the table as many  
16 options as we might need in the future. Should there be a savings plan? Should there be a  
17 proposal for cutbacks? Where do we go? We don't have many options. So I think what the  
18 real issue is, is what kinds of options do we want to have made available to us in the time  
19 of fiscal pressure, and where we have resources that already are more or less committed  
20 to these general objectives, shouldn't we continue to provide other alternatives? Right  
21 now, within the parking districts, transfers to the Mass Transit Fund are made that come  
22 from fines. Those transfer decisions are made on a pretty much ad hoc basis annually.  
23 One--I think last year, it was 75% of those fines. This year, it's 25%. And the-- is that right,  
24 Mr. Orlin, or did I get it backwards?

25  
26 GLENN ORLIN:

27 Backward. Yeah. It's 75%, except in Wheaton, where the Wheaton Parking District is in  
28 poor financial shape, and there won't be a transfer in FY10.

29  
30 COUNCILMEMBER FLOREEN:

31 And Mr. Orlin has provided the fiscal statements that we looked at in the course of the  
32 budget that show the different decisions that are made, the different options that are  
33 employed, and the balancing of the parking lot district needs, the urban district needs,  
34 transportation management needs, and the like. This is just an opportunity to keep--keep  
35 available these options in the long term, and that's why it's here for our conversation  
36 today, Mr. President. As I said, the committee did not recommend taking this--my  
37 colleagues did not recommend taking this forward at this time, and I certainly respect that  
38 point of view. Certainly, members of the business community have concerns, as I  
39 indicated.

40  
41 COUNCIL PRESIDENT ANDREWS:

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1 OK. Thank you very much. Councilmember--I'm sorry. Council Vice President Berliner,  
2 and then Councilmember Knapp.

3  
4 COUNCILMEMBER LEVENTHAL:  
5 Mr. President, parliamentary inquiry.

6  
7 COUNCIL PRESIDENT ANDREWS:  
8 Yes.

9  
10 COUNCILMEMBER LEVENTHAL:  
11 Parliamentary inquiry. What is before the Council?

12  
13 COUNCIL PRESIDENT ANDREWS:  
14 The bill is before the Council--

15  
16 COUNCILMEMBER LEVENTHAL:  
17 No, I don't think it is, Mr. President. I think it requires a motion. The committee  
18 recommendation was not to pass the bill.

19  
20 COUNCIL PRESIDENT ANDREWS:  
21 Well, the bill is before the Council. There's not a committee recommendation.

22  
23 COUNCILMEMBER LEVENTHAL:  
24 What is now pending before the Council? It would require a motion to bring it before the  
25 Council. Am I wrong?

26  
27 COUNCIL PRESIDENT ANDREWS:  
28 No. It would require a motion to approve it. The bill is before the Council. It would require  
29 an affirmative motion to approve it, to have a vote.

30  
31 COUNCILMEMBER LEVENTHAL:  
32 OK. So it would be the President's intent, then, prior--we're not debating--I'm just trying to  
33 understand. I think we need a motion here.

34  
35 COUNCIL PRESIDENT ANDREWS:  
36 Not necessarily.

37  
38 COUNCILMEMBER LEVENTHAL:  
39 I think we need to speak to a motion. Am I missing something?

40  
41 COUNCIL PRESIDENT ANDREWS:

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1 Not necessarily. You can have discussion on a bill, and then--

2  
3 COUNCILMEMBER LEVENTHAL:

4 The committee's recommendation was not to do the bill.

5  
6 COUNCIL PRESIDENT ANDREWS:

7 That is--well, that--yes. That is what is before the Council.

8  
9 COUNCILMEMBER LEVENTHAL:

10 Generally, the committee's recommendation is what comes before the Council.

11  
12 COUNCIL PRESIDENT ANDREWS:

13 Yes.

14  
15 COUNCILMEMBER LEVENTHAL:

16 What am I missing? Am I correct? Staff is telling me I'm correct. So if we're going to  
17 consider the bill and debate the bill, then that would require a motion.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 Well, the committee has made its recommendation, which is--

21  
22 COUNCILMEMBER LEVENTHAL:

23 Which is that we not consider the bill.

24  
25 COUNCIL PRESIDENT ANDREWS:

26 Which is that the Council not take action, and the Council can agree with that, or the  
27 Council can send it back to committee. The Council can discuss it and decide not to take  
28 any action. So it is before the Council for the Council's consideration, and the Council has  
29 all range of options that it can take, and that doesn't mean that there will be any vote  
30 today at all. It just means it's before the Council.

31  
32 COUNCILMEMBER LEVENTHAL:

33 OK. So the motion before the Council is not to consider the bill, just to be clear. That's  
34 what's now before the Council.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 Yes.

38  
39 COUNCILMEMBER ELRICH:

40 You need a motion not to consider it?

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1 COUNCIL PRESIDENT ANDREWS:

2 There's a--it is a--

4 COUNCILMEMBER NAVARRO:

5 We could accept the committee's recommendation, it could be deferred, it could be...

7 COUNCIL PRESIDENT ANDREWS:

8 The Council can do as it wishes with the committee's recommendation, which is true for  
9 any committee recommendation.

11 COUNCILMEMBER LEVENTHAL:

12 I'm just solely trying to understand the parliamentary situation. What is now before the  
13 Council is a recommendation from the T&E Committee not to approve this bill. That's what  
14 we're debating at the moment.

16 COUNCIL PRESIDENT ANDREWS:

17 That's right.

19 COUNCILMEMBER LEVENTHAL:

20 Just wanted to clarify that.

22 COUNCIL PRESIDENT ANDREWS:

23 That is correct. Thank you, Councilmember. Council Vice President Berliner.

25 COUNCIL VICE PRESIDENT BERLINER:

26 Well, as my colleague on the committee pointed out, as the chair pointed out, the  
27 committee's recommendation is not to move forward with respect to this bill. I personally  
28 believe that this legislation is ill-advised. It's, in my judgment, unnecessary. I think it  
29 establishes a terrible precedent, and at the very least, it is premature. So I would urge my  
30 colleagues to embrace the committee's recommendation. It was, as the chair alluded to--  
31 this-- legislation on this is, in my judgment, not a conversation. This is legislation, and it is  
32 strongly opposed by the business community from Bethesda. It is strongly opposed by the  
33 business community in Silver Spring. It is strongly opposed by the County Executive, and  
34 Miss Barrett can speak to that herself. It--I am not opposed to examining our parking lot  
35 districts. I've had my own questions with respect to parking lot districts and how they  
36 function and whether or not they are serving us well, and from my perspective, this is a  
37 legitimate inquiry in that larger context. But to take this matter out of context, I think, is a  
38 bad decision. Let me point out that the Western Montgomery County Citizens Advisory  
39 Board observed something that I think is important for my colleagues, and I think, again,  
40 the chair alluded to it, but let's be real clear. Bethesda currently contributes \$3.8 million to  
41 mass transit. The Bethesda Parking Lot District contributes \$3.8 million to mass transit

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1 funding. So it isn't as though --and it's the only parking lot district to be in a position to do  
2 this. So we are making a contribution in that regard. But the dollars generated by--the rest  
3 of the dollars generated by the PLD in Bethesda, quite frankly, is needed in Bethesda. I  
4 would say to my colleagues, anybody who has had the privilege of going into the  
5 Bethesda and Elm Street garage, as my daughter did recently and was there for a half-  
6 hour trying to get out because of the madness of trying to find parking spaces in that  
7 parking lot, it is a disservice to our citizens. It needs technological improvements. We  
8 need to make major investments there. We have Lot 31 that is going to be coming online.  
9 We're going to have incredible pressures on our parking lot districts. To take --have an  
10 open-ended raid on these dollars at this moment in time is simply inappropriate. And let  
11 me say that our Bethesda Parking Lot district currently funds what I think all of us  
12 recognize is an extraordinary work by the Bethesda Urban Partnership, who has worked  
13 very hard to improve the quality of life for our businesses in downtown Bethesda as well  
14 as our citizens enjoying downtown Bethesda. And this is a direct threat to that  
15 extraordinary effort. And finally, let me just say that I certainly believe that we need to find  
16 a more robust way of funding mass transit for our community. It is critically important that  
17 we do so. I have been supportive of Councilmember Elrich's Bus Rapid Transit initiatives.  
18 We need to make major investments in our transit, but robbing Peter to pay Paul is not the  
19 way to go about it. We need something significant--not nibbling at the edges, not taking  
20 money out of one place that needs it to fund some other service on an open-ended basis.  
21 I mean, literally, under the bill that's before us, the Bethesda Parking Lot District could  
22 fund bus route 32, bus route 29--any bus that goes into Bethesda could be funded out of  
23 the parking lot districts. This is an inappropriate use of those dollars, and we should  
24 commit to finding a funding source that works. This one doesn't, and I urge my colleagues  
25 to embrace the committee's recommendation of not moving forward with this bill at this  
26 time.

27  
28 COUNCIL PRESIDENT ANDREWS:

29 Thank you, Council Vice President Berliner. Councilmember Knapp.

30  
31 COUNCILMEMBER KNAPP:

32 Thank you, Mr. President. I want to thank the sponsor for introducing this bill because I  
33 think it is a very timely discussion. In the course of the last six months, we have talked  
34 about having a parking study, we've talked about funding infrastructure, we've talked--as  
35 she alluded to, have come up with, with the able assistance of staff, unique ways for  
36 funding transit and making sure that we didn't end up having to cut bus service this past  
37 year. We're looking-- we've had debates about development districts. We're looking at  
38 ways to fund transit and to fund infrastructure in the County, and we in fact in the budget  
39 actually approved a parking study. And so I am in agreement with the committee's  
40 recommendation to defer, but I think it is very, very important for us to come up with some  
41 timeframe in which to have the discussion about that deferral. I think that we need a

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1 dialogue, we need a discussion. I think a lot of these pieces are interwoven and  
2 interconnected, and I think that we can't address one issue without looking at them in  
3 greater totality, and so I agree with Mr. Berliner in that we need to look comprehensively.  
4 The thing that tends to happen around here, though, is when we defer something like this,  
5 it kind of goes off into the ether, and we don't hear from again. I think that this is very  
6 important to come back in the context of a broader conversation, and I think before we get  
7 to--well, as we look at the next three Master Plans, we know we're going to have the  
8 infrastructure conversation. We know when we get to next year's budget, we know we're  
9 going to have additional fiscal pressures. Somehow, in the course of the next 6-8 months,  
10 we've got to have this--part of this dialogue as well. And so I don't know the best  
11 framework in which for that to occur, but we've got to get that scheduled. And so while I  
12 agree with the committee's recommendation, I would also encourage us not to do what  
13 typically is the case and have it just go away indefinitely. I think we need to, working with  
14 the Executive branch, come up with a timeframe in which the parking study-- Executive  
15 branch and Park and Planning--when the parking study is supposed to come back and  
16 really begin to enlist this broader discussion. And I know that we're busy, but this is a  
17 pretty critical discussion for us to have because it impacts so many different policies. And  
18 so I agree with the recommendation. I just think we need to--I urge the Council President  
19 to work with the Executive branch and the Park and Planning to come up with a time in  
20 the future--again, in the not-so-distant future, in the next four or five months, where we  
21 can actually start to engender this, because I think we've got to.

22  
23 COUNCIL PRESIDENT ANDREWS:

24 Sure. Thank you for the suggestion. I'm happy to do that, and I know that Councilmember  
25 Floreen, as chair of the T&E&E--TI--T&E Committee. It just got too long. The T&E  
26 Committee. I know that she'll be happy to do that, as well, and it will be before her  
27 committee, so I know that, you know, we will pay that attention to it. And then we can  
28 bring whatever the committee's recommendations are on a comprehensive approach back  
29 to the Council in the fall. So we can do that. Councilmember Trachtenberg.

30  
31 COUNCILMEMBER TRACHTENBERG:

32 Thank you, President Andrews. I want to speak in support of the committee  
33 recommendation at this time. I am, as I have shared with colleagues, very concerned  
34 about the precedent that this bill could set, and specifically around fiscal policy. You know,  
35 the parking lot districts are an important part of our transportation system, but they're  
36 really also an important part of our economy, as well, and we need to have healthy  
37 parking lot districts in order to really cover the enormous investments in the revitalization  
38 projects that we all support, and those include projects in both Silver Spring and  
39 Bethesda, and Wheaton as well. And I also believe that the bill would have a detrimental  
40 effect, a negative impact on the financial strength and credit structure of the parking lot  
41 districts, and those clearly are essential if we're going to have an efficient plan to meet



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1 future investments around infrastructure. I think if you--if any of you here go through the  
2 packet, there is an excellent letter that was provided to us by Miss Barrett, which really  
3 isolates many points, including the three that I've raised here this morning. But I would  
4 suggest, submit to my colleagues, that this would be not good policy to set. I'm not sure  
5 you could convince me to set it in the future, but at this time, given the magnitude of the  
6 financial problems that we face and the fact that we really do need to develop a  
7 comprehensive financial plan as we move forward in a climate that's not likely to change  
8 any day real soon, I would encourage my colleagues to support the committee  
9 recommendation that's been offered this morning.

10  
11 COUNCIL PRESIDENT ANDREWS:

12 OK. Thank you, Councilmember Trachtenberg. Councilmember Elrich.

13  
14 COUNCILMEMBER ELRICH:

15 A quick question for Roger, and then another comment. You singled out two ride-on  
16 routes, and I'm just curious why they were--why you chose them as symbolic of why we  
17 shouldn't do this.

18  
19 COUNCIL VICE PRESIDENT BERLINER:

20 They're the ones that run by my house. It's pretty--my wife gets on 32 and takes it to  
21 Bethesda, so... And it actually was one of the ones that was proposed to be eliminated at  
22 that particular place, and we were able to fund it without this measure, and so I picked the  
23 ones that I ride. But it could be any bus that serves Bethesda. The point of the language is  
24 that literally any bus that serves Bethesda, we could say, "OK, well, let's fund this route  
25 with these dollars," and so it isn't about whether or not the County Executive has proposed  
26 eliminating the service. That's what we were dealing with last time and why this was a  
27 legitimate inquiry then. Now this is far more open-ended. This is simply shifting  
28 responsibility to the PLD for any bus service that is selected that goes to Bethesda,  
29 whether it is a revenue-generating route or not.

30  
31 COUNCILMEMBER ELRICH:

32 Well, I'll say that I didn't see this as automatically mandating that we have to do anything.  
33 It was an option. And I guess I'm kind of frustrated because in the budget, we scrambled  
34 around and cobbled together a bunch of things to make this thing work that I don't think  
35 would pass for well-thought-out, good policy. We made things work because we had to.  
36 We figured out where we could pull stuff from, but we weren't exactly, you know, forward  
37 thinking and saying, "How do we get out this box in the long run?" And it seems to me  
38 what you're saying is, it's not an emergency now. If the next budget is as bad as this  
39 upcoming--next budget is as bad as the last one, we may have to go there in the spring,  
40 and that just reopens to me the idea that we'll then be cobbling, again, you know, a bunch



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1 of patchwork solutions in order to get money in order to make things work rather than  
2 looking comprehensively.

3  
4 COUNCIL VICE PRESIDENT BERLINER:  
5 Could I respond to you, my colleague?

6  
7 COUNCILMEMBER ELRICH:  
8 In your case, yes.

9  
10 COUNCIL VICE PRESIDENT BERLINER:  
11 Thank you. I just would observe that I believe Councilmember Knapp has suggested--and  
12 I don't believe the chair is adverse to the suggestion of looking at our PLDs, looking at  
13 alternative mass transit funding mechanisms, and seeing the big picture and then divining  
14 what our best policy option is, as opposed to prematurely selecting this one. So I don't  
15 think that there's anyone up here that doesn't believe that this requires serious analysis  
16 and look.

17  
18 COUNCILMEMBER ELRICH:  
19 And I will say that, since it's going back to Nancy's committee, I can rest assured that this  
20 will not die, or at least the consideration of these things won't die, and that gives me some  
21 comfort, if that's where it lands back. But I would like to see us push toward a broader  
22 consideration, but I think invoking the fact that this has engendered some opposition, even  
23 strong opposition, as a reason not to do it, that's not probably a precedent or at least the  
24 mindset we want to lock ourselves in, because I think any of the hard transit solutions  
25 we're going to be looking at and any of the-- and decision we make to seriously fund our  
26 needs are likely to produce people who say, "I don't like this. I don't like that. Why are you  
27 taxing me? Why are you putting it here?" And, you know, strong opposition cannot be a  
28 good enough reason to avoid what may be good and necessary policy decisions. With all  
29 that, I mean, if--I will support sending it back to committee for more discussion.

30  
31 COUNCIL PRESIDENT ANDREWS:  
32 Thank you, Councilmember Elrich. Councilmember Navarro.

33  
34 COUNCILMEMBER NAVARRO:  
35 A lot has been said, but I also--I just want to echo both what Councilmember Knapp and  
36 Councilmember Elrich has just expressed. I mean, I think it would be important to take a  
37 look at this in a comprehensive fashion, but it is absolutely true that if we are going to be  
38 serious about funding transit, we will have to face the opposition and the support in a way  
39 that is responsible. And-- and although I believe that this is in some ways piecemeal, and  
40 it does have, I think, a negative impact in terms of those communities that-- especially  
41 Silver Spring, that's been trying to, you know, hold strong into their redevelopment and

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1 success. My hope is that definitely Chairwoman Floreen will take this back and perhaps  
2 come back at a later date with something a little bit more comprehensive that we can look  
3 at and react to and seriously consider a comprehensive approach. And I just want to thank  
4 everybody that also worked on putting this through, and I think it's a good place to be in  
5 terms of being on record saying that this is something we're not just going to let go.  
6 Thanks.

7  
8 COUNCIL PRESIDENT ANDREWS:

9 OK. Thank you, Councilmember Navarro. And so this measure will be going back to the  
10 T&E Committee for further consideration as part of a broader approach to addressing our  
11 transit needs. I know that Councilmember Floreen, who chairs the committee, will be  
12 working hard on it, and I commend her for her initiative in the area of transit. It was her  
13 leadership and the work of the committee, and with some very good staff work by Dr.  
14 Orlin, that came up with proposals that helped restore the proposed cuts in bus service,  
15 and we did restore them, and we heard a lot from the community about the importance of  
16 restoring the bus service, and that was an important part of what the Council did this  
17 spring. Thank you for the role in--leading role you played in that. I will turn to  
18 Councilmember Floreen for the final word. I will ask, though, if--Miss Barrett is here from  
19 across the street, and I don't know if she wants to say anything at this point or not. You  
20 don't have to, but I'll give you the opportunity if you want to make any comment on behalf  
21 of the County Executive.

22  
23 JENNIFER BARRETT:

24 I thank you very much. And Mr. Berliner and others stated correctly that the Executive is  
25 opposed to this. I think it would be useful to have the conversation that has been  
26 described. Some of our fundamental problems here are moving from Countywide tax  
27 supported to an enterprise fund which is supposed to be run like a business, with a  
28 business case for the things that it pays for. And I think it--but we do have some--I  
29 understand the Council's need to support transit. I appreciate the staff efforts to make  
30 changes to the bill to try to address some of the concerns we raise, but-- but there are  
31 some fundamental fund policy issues that we do need to take into account, and I think it  
32 will be useful to have that conversation because we do have some large-scale  
33 infrastructure, transit, parking needs before us in the way this county is going to grow, so I  
34 look forward to that conversation.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 OK. We've got Councilmember Floreen and Councilmember Knapp. Do you want the final  
38 word?

39  
40 COUNCILMEMBER KNAPP:

41 This is on a separate topic.

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1  
2 COUNCIL PRESIDENT ANDREWS:

3 Oh, it's separate. OK.

4  
5 COUNCILMEMBER KNAPP:

6 It's transit related.

7  
8 COUNCIL PRESIDENT ANDREWS:

9 Transit related. All right. Councilmember Floreen.

10  
11 COUNCILMEMBER FLOREEN:

12 Well, I want to thank everybody. I think this has been a great conversation. It's what we--I  
13 really wanted us to have, and I particularly thank Councilmember Navarro for summing it  
14 up so nicely. This is the tension that we're going to face as we try to fund things, and with  
15 the-- given the caps that we have, our commitment to being fair and clear about trading off  
16 policies to achieve a community benefit. I think what I'm hearing is that everyone is pretty  
17 much on board in looking at this comprehensively, and so we have just a little other work  
18 program for Mr. Orlin to stitch together in the coming months. I think that's a collective  
19 directive, if I might take it as so, from the full Council. It is going to be hard. We have had  
20 various task forces that have looked at infrastructure financing and funding, most of  
21 whose proposals have been not well received by various communities of interest. So we  
22 will soldier on to find at least a more comprehensive approach that will work for everyone,  
23 so... And it's particularly apropos given the conversations we started having in the PHED  
24 committee with respect to Germantown and to White Flint about whether our existing  
25 structures are the right ones to fund the kinds of community pieces that everyone wants.  
26 But nothing is free last I heard, so we'll see how it goes. But thank you, everyone. I think  
27 this is an important conversation for the full Council to have.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 Thank you, Madam Chair, and my intention is to have this come back--have the  
31 comprehensive discussion on this back before the Council before the end of the year on a  
32 range of initiatives, so look forward to that. Thank you. And Councilmember Knapp.

33  
34 COUNCILMEMBER KNAPP:

35 Thank you, Mr. President. Just a point of personal privilege. You know, now that we have  
36 technology, we can get everywhere. You appropriately this morning made sure that we had  
37 a moment of silence recognizing those people who tragically lost their lives in the Metro  
38 accident last evening and those people who have been injured. And as is often the case  
39 when there is a tragedy, the next thing we start to try and do after we try to get people well  
40 is, we start pointing fingers and trying to assess blame. And the Associated Press came  
41 out with a story about an hour ago suggesting that the federal government, federal

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1 officials had sought to phase out these particular trains because they were an aging fleet,  
2 and that the Metro system ignored--effectively ignored their cry. The head of the NTSB, or  
3 the part, at least--the person who was associated with this discussion said, "The NTSB  
4 had warned of safety problems and recommended the old fleet be phased out or  
5 retrofitted to make it better to withstand a crash. Neither was done, she said, which the  
6 NTSB considered unacceptable." I appreciate the fact that the NTSB and, in effect, the  
7 federal government are saying, "We've made some recommendations." Over the course  
8 of the last six years, Montgomery County, the state of Maryland, the state--the  
9 Commonwealth of Virginia, the District of Columbia have worked very, very closely to  
10 make sure that Metro actually had the resources to operate and in fact replace its aging  
11 fleet, and would have liked to have done so. General Manager John Catoe has worked  
12 tirelessly to try and advocate a position that would have gotten additional resources so we  
13 could have had new trains on our tracks and would have had more frequent trains on our  
14 tracks. The reality is, the participant who has not yet stepped up to the plate, ironically, is  
15 the federal government. And so while I think it's important for us to not lose sight of the  
16 fact that this is a very tragic situation, it's a very tragic day, that we need to use this as a  
17 moment of advocacy to continue to make sure that all of the major players who have a  
18 significant stake and investment in making sure that our nation's capital is served by  
19 effective transit actually all participate in making sure that that's successful, and that  
20 includes not just identifying where there are flaws, but actually making the appropriate  
21 investment, since right now, the federal government is the only element that has not yet  
22 identified a way that they would pay their additional \$150 million to ensure that Metro has  
23 dedicated funding sources so that these trains would have, in fact, been replaced and we  
24 may not have had the issues that we did.

25  
26 COUNCIL PRESIDENT ANDREWS:

27 OK. Thank you, Councilmember Knapp. OK. We are going to take up our final item now  
28 for the morning, which is a meeting of the Council as the Board of Health. Thank you all  
29 for coming this morning, and we'll hear an update from Dr. Ulder Tillman our County  
30 Health Officer, about H1N1 influenza and anything else she would like to brief us on. So,  
31 Dr. Tillman, nice to see you. I note that recently the World Health Organization declared a  
32 pandemic regarding H1N1, and the number of cases is up in the United States to about--is  
33 it 22,000, 23,000, I believe, reported cases?

34  
35 ULDER TILLMAN:

36 Yeah.

37  
38 COUNCIL PRESIDENT ANDREWS:

39 And while the mortality has not been as high as feared, the number of cases continues to  
40 grow at a significant rate.



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1 ULDER TILLMAN:

2 It does.

3

4 COUNCIL PRESIDENT ANDREWS:

5 And not just here, but in many other countries, as well. So given the --how quickly  
6 influenza viruses mutate, it's a very significant concern still. Dr. Tillman, go ahead and  
7 please proceed with your presentation and brief us on the latest on H1N1.

8

9 ULDER TILLMAN:

10 OK. Thank you very much.

11

12 COUNCIL PRESIDENT ANDREWS:

13 H1N1. I'm sorry.

14

15 SEVERAL SPEAKERS:

16 H1N1.

17

18 COUNCIL PRESIDENT ANDREWS:

19 H1N1. OK. All right.

20

21 ULDER TILLMAN:

22 Did you fall into the verbiage that our high schoolers were using?

23

24 COUNCIL PRESIDENT ANDREWS:

25 I guess so.

26

27 ULDER TILLMAN:

28 Which I won't repeat at this point in time. But I do want to quickly try to give you an update  
29 of where we are at this point in time in terms of preparing for and responding to pandemic  
30 influenza. You do have in your packet--and I've you some given additional handouts--that  
31 this is something, of course, that began in Mexico. It hit the

32 United States at the end of April, and we have been contending with it since, and that the  
33 World Health Organization has identified by the geographic spread of this virus that it has  
34 reached pandemic proportions, so they raised it to the highest level. I do want to stress  
35 that although we have now, at this point in time and--let's see; Linda, if you could just go--  
36 in terms of that timeline that I gave, and then proceeding on from there, that this criteria  
37 about pandemic flu--I want to stress that this is indeed a new virus. It is a mosaic of about  
38 four different strains that include both human, swine, and avian. There really is no  
39 previous exposure of anyone in the world to this virus, and that is why it was spreading so  
40 very quickly. We are fortunate that it seems to be mild in severity or virulence at this point  
41 in time, but what one needs to remember about flu viruses is that they do indeed mutate,

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1 and they can mutate at any time, and they can become less virulent or less severe or  
2 more severe. So the world is actually watching what is happening in the southern  
3 hemisphere of the world, as they go through their winter season, to see if the impacts are  
4 worse. It's clear what we've learned from what was happening in Mexico that we were just  
5 hearing the worst. We were hearing the hospitalizations and the deaths, and we were not  
6 aware of how prevalent the virus had been. But in work that expert teams from WHO,  
7 Canada, and the United States have done, it's clear that it was widespread, and that's  
8 something similar to what we are seeing in the United States. But OK, we have a  
9 susceptible population, we have a new virus, it clearly causes disease, and it has been  
10 spreading geographically, so we do have a pandemic, and we are concerned in terms of  
11 what's going to happen in the fall. I also want to stress that what we are really trying to do  
12 at this time is to delay and lessen the impact of the pandemic, if and when it returns to the  
13 United States. So that is why we have been trying to impose the social distancing things  
14 and had all of the havoc with our school system in terms of closing school and then finally  
15 reopening school. But that is because we have to --since it's a new virus, we're not sure  
16 who it's going to impact. Right now, at this point in time, United States, it seems to be the  
17 youth, and the median age of those who are hospitalized is still age 16, but there are  
18 deaths. We've had deaths among older adults, and I think the one that was most noted  
19 was the 55-year-old who died--teacher who died and the vice principal who died in New  
20 York state. But deaths do occur. We're fortunate that in Maryland, or in our County, we do  
21 have 24 confirmed cases. We've had one hospitalization. We've also had a shift in how  
22 we are tracking this so that we're not reporting every case of H1N1 influenza at this point  
23 in time. It's clear that once it was prevalent among our communities, there was no need to  
24 keep testing everyone. We knew it was there. We know that it was throughout our school  
25 system. I will report to you--and it's not on any of your slides--but as soon as CDC had  
26 lifted the need to close schools and then to exclude affected students, that we have  
27 excluded in Montgomery County more than 500 students since May 7 and to the end of  
28 the school year, and at any one time, we had about 100 students who were still out of  
29 school and had to wait those seven days from point of onset until they could return to  
30 school. So it was clearly having an impact on our schools, and I still have concerns that it  
31 has not really left our area as yet. In the last update from the CDC, we heard that the  
32 novel influenza virus is on the upswing still in the northeast. So Boston and New York are  
33 still experiencing increases. We also know that this virus is impacting our summer camps  
34 and our day camps, and so that we must continue to do monitoring. So although our  
35 school nurses are finished with kids who are in school--although they'll be back for  
36 summer school, and we'll have to continue to follow--but we've had to get information out  
37 to all of our day and residential summer camps to be imposing the same restrictions--that  
38 if there is anyone--whether it's staff or summer camper--with symptoms, they need to be  
39 excluded for that seven days. And I know that that has a disrupting impact on a number of  
40 our camps, but that is really to minimize the impact on everyone else and the spread  
41 throughout a camp program. So that is still with us, as well. What we did--I want to say

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1 that both state and locally, we do have accomplishments in the way we responded to  
2 H1N1, in that we quickly did mount up regular conference calls with both state as well as  
3 with CDC, and we had several conference calls with our own providers, our hospitals  
4 here. We did that on a regular basis. We quickly opened up a public health information  
5 line that was staffed for extended hours to answer questions. We figured out quickly we  
6 had to separate the calls that came from our health providers from those who were, you  
7 know, the general public. We accomplished that. We staffed that. I will tell you that just  
8 over the 10 day of our responding to this outbreak, that for public health services,  
9 Department of Health and Human Services alone, we did accrue some \$114,000 in terms  
10 of salaries for overtime and operating expenses. And the thing to keep in mind, again,  
11 about pandemics--they don't just last for a few days or a few weeks. You've got to think in  
12 terms of 8 to 12 weeks in a wave, and then it can come back again. So that is something  
13 that we need to be mindful of. I gave the communications to you, as the Board of Health,  
14 to the general public, to the County employees, so we tried our best to get out information  
15 quickly and to stay synchronized with CDC because we knew that it was changing every  
16 day and that one had to keep up and keep synchronized with what was happening and  
17 known nationally. So that was done. We have--we were prepared for this. I look back on  
18 my notes. I've been talking about pandemic influenza to you all really since 2003, when I  
19 came, and I know you were tired of hearing from me about that, but it did come, and it is  
20 coming back again. And so we have in our County, we already had our pandemic  
21 influenza plan. The state has a plan. We pulled that up. We'd been doing exercises, so we  
22 were prepared for that. We also have a volunteer professional medical corps that's  
23 composed of physicians, dentists, nurses, pharmacists, and others, and we have that link  
24 through our volunteer centers so that we can call them for assistance, and they helped  
25 staff our public health information line, so they were invaluable to us. We also have a link  
26 with Uniformed Services University in Bethesda, where I have preventive medicine  
27 residents. They were invaluable during our response--that I had two physicians who could  
28 help, as well. So we were prepared with that. We do have surveillance systems. We have  
29 a program called ESSENCE, which really is looking for what is unusual. So it gets reports  
30 from our hospital ERs, from over-the-counter purchases, from various physician groups,  
31 and from our school attendance records, and we look and see if something odd is  
32 happening, and we enhanced that and focused in closely in terms of looking for the fever,  
33 the cough, the influenza-like illnesses that were coming in so we can monitor that. So we  
34 had that in place, and that is also a statewide system. So we have one just-- we have one  
35 for Montgomery County, for the National Capital region, and the state, so we could follow  
36 that. Our hospitals enter data, as well, into a system called FRED, and I can't remember  
37 what it stands for, but it actually has a practical name, but it helps them to monitor what  
38 their supplies are, what's happening in terms of their admissions, and are they ready, and  
39 do we need to be able to surge. So we have our surveillance system. The laboratory  
40 activities had to kick up very quickly in response to this, so that not only was the state lab  
41 at Department of Health and Mental Hygiene vigorously doing lab testing-- and continues



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1 to do that now on targeted groups--but we had to work out courier systems to go from  
2 private offices from our hospital ERs and various places to get those lab specimens to the  
3 state. So that was an expense, but it was absolutely necessary so that we could monitor  
4 what was happening with this. So we did that, as well, in terms of how we responded. And  
5 then, of course, as I said, were the communications. We tried to do that as best as we  
6 could. I actually think we have to get even better at that, and we have to figure out how we  
7 can quickly change information on the County website so people know what the  
8 differences are. We heard the cries from our private providers that they wanted to know  
9 specifically what was happening in Maryland and what was happening in Montgomery  
10 County, and I have to say that we were so busy focusing on making sure we knew what  
11 was happening across the country and the state, and we didn't have the person power to  
12 make sure that we could have a Webmaster to put up the latest. And we were having  
13 about three conference calls a day. But we do have to move to how we can get  
14 information out very quickly to everyone so they know what is happening. And I briefed  
15 you all back in... I can't remember the date now. I guess it was early June and in May in  
16 terms of what had happened with Rockville High School, which was actually our second  
17 and third cases that we had, and that closure of the school on May 30, and then the  
18 opening on a June 5. I'm sorry --April 30 was closed, opened on May 5, was when CDC  
19 lifted, and I gave you a briefing on that, so I will not reiterate that again. But I do want you  
20 to be aware that this did take a team of many people, so that we had, just in Health and  
21 Human Services, we clearly pulled together our Disease Control Team, our Immunization  
22 Team. We had our Emergency Preparedness and Response Team. We had school health  
23 services. We had community health nurses. We had our special projects, our  
24 epidemiology, and we had a great assistance from the Office of Emergency Management  
25 and Homeland Security, as well as the Department of Fire and Rescue Services in helping  
26 us with that. We had a partial activation of the Emergency Operating System. We have  
27 learned that we have to do a better job of figuring out what type of activation in this  
28 situation and how many people need to be informed of what's going on. Something we did  
29 learn, which was an oversight on my part and others--I know my obligation is to inform the  
30 president of the Board of Health, and usually it's whatever Councilmember of the district  
31 that is affected. We dropped the ball, and we did not directly engage the city of Rockville,  
32 and I apologize for that. I was focused on the schools, but I know that they needed to be  
33 brought in closer in the loop in terms of what is happening. So we have things to do in  
34 terms of our information sharing and communications that we've got to focus on, but I  
35 think we did a good job for what we had to deal with, and we will get better as we go  
36 through the exercises. And we did get information out to our media. We were responsive  
37 to them and their calls. So I think we've gotten better with that. In terms of the federal  
38 Strategic National Stockpile, the state did work out its compliance with the Centers for  
39 Disease Control. It had the necessary antivirals that we needed pre-positioned to go out.  
40 There is a policy issue in terms of when that call is made to get those medications out to  
41 the hospitals, and we still have lingering questions about that. The governor has a medical



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1 advisory team of experts that is in place and still in place that's working with the state  
2 Department of Health and Mental Hygiene, as well as health officers, hospitals, and others  
3 in terms of how we go forward. And looking at this, because there are--it gets complicated,  
4 and I won't go into the details in terms of when one can release this tamiflu to all and how  
5 it should be administered, and the FDA is involved in this, as well, and they've got this  
6 emergency utilization authorization that is a legal nightmare, as far as I'm concerned, but  
7 it's something that must be done. So there are policy issues around this in terms of how  
8 that can go out, but we do know that in the state of Maryland, they had the necessary  
9 antivirals that were needed, and that was in a nondisclosed place that was in the state of  
10 Maryland--that it could go out when the feds and the state agreed that it could go out. So  
11 we have that. We'll continue to work, in terms of various workgroups, through the summer  
12 so that we understand, you know, what is the trigger and how can we support our  
13 providers and our hospitals with that? That's just a view of this inventory that was ready  
14 that the state has. And the state also has a deadline, by September 1, to make all of its  
15 discounted purchases of antivirals and vaccines and supplies in the state, and they are on  
16 track to make that deadline. So I already addressed, in terms of what we learned, what I  
17 felt we did well. I think there was much better communication this time. Local, state, and  
18 federal public health were coordinated and had their messages, and we could get that out  
19 regionally. And I was relieved that I could look, whether it was at 11:00 at night or  
20 whatever, and get what were the latest updates from the Centers for Disease Control.  
21 They've even moved now. They've got the languages available, so that for the public  
22 messages, people can read it in the language that they're comfortable with. We also had  
23 very good support, as I said, from various agencies in County government to make sure  
24 that we could do what needed to be done. And that has gotten better. What we are  
25 moving toward now in the summer--and actually at this very time, there is a Continuity of  
26 Operations training and exercise that's going on in the county, and it's going on all day, in  
27 terms of how we can work across our multiple agencies and multiple partners, and they  
28 are focusing on that now, so that is one. We do realize that we have to think in terms of  
29 the vaccine storage that we're going to need for fall. What I forgot to tell you is that there  
30 has been a decision made by the Centers for Disease Control and by the state of  
31 Maryland that we will launch a massive seasonal influenza campaign for the fall for our  
32 school-age children. And so we've already been given an amount of funding that will be  
33 available to Montgomery County. We are submitting. It's due on the 11th of... Yeah, well.  
34 Yes, July 11 that it is due in terms of getting a report to the state about our proposal. But  
35 we will be focusing on how we can, number one, make sure that our school-age children  
36 are immunized against seasonal flu. The reason why this connection is important is that  
37 even though H1N1 is a novel influenza, we certainly know that children can spread these  
38 infections very quickly, and that became apparent as we even looked at our school  
39 system. And they are the ones then who can-- certainly not intentionally, but just that they  
40 can generate the germs and spread them, and you probably know it from your own  
41 children and grandchildren that if they have a cold, everyone gets a cold. We know that

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1 that is a risk, and for those who are compromised, those who have chronic conditions, we  
2 need to protect them as best we can, so we are going to ramp up in terms of doing the  
3 seasonal influenza campaign. And CDC is on track, and they have given the seed  
4 specimens to vaccine manufacturers to begin manufacturing the novel H1N1 vaccine.  
5 However, when that point comes for those manufacturers to start generating it has not  
6 been made as yet, because as I said, the flu virus changes over time, it mutates, and so  
7 that's going to be a decision that's going to be made at the higher level. But they are  
8 telling us that we can expect to start getting first doses of that vaccine probably mid- to  
9 late October. But it's going to come out in smaller amounts, and it is, at this point in time,  
10 going to be targeted to our first responders, not to the general public. And there is a  
11 debate going on now--and they have to watch what's happening, as I said, in the southern  
12 hemisphere --whether or not they then want to start vaccinating school-age children  
13 against the novel H1N1 vaccine, as well. So that's all of these policy decisions and  
14 epidemiologic decisions that we are looking at over the course of the summer. But we do  
15 know also that as we prepare for the mass immunization campaign for school-age  
16 children, and that cost and working that through with our private providers as well as  
17 hospitals and others, that we must have a real-time effective link with our private providers  
18 and our safety-net providers so that they are prepared, as well. We know already that  
19 there most likely will be a shortage of the personal protective equipment-- the masks, the  
20 respirators, that sort of thing, and we have to work out the protocols of how we're going to  
21 get the limited supplies out, who has them. We've been encouraging for a number of  
22 years for our private providers to think about influenza and how to protect themselves,  
23 their staff, their offices, and we will not be able to get the supplies to them, but we have  
24 given them the guidelines in terms of what to do. For the public sector, though, I think we  
25 have a responsibility, and we have a large Montgomery Cares program for the uninsured,  
26 we've got 12 safety-net providers who are in that group to help, and we will be working  
27 with them over the summer in terms of what are their needs and what can we do to help  
28 support them protect our residents. So that is an issue. A lot of things around surge  
29 capacity. One other thing we learned about our pandemic influenza plan is that it was built  
30 for the worst-case scenario, and when it turned out that this pandemic was not as severe  
31 as we had been worried about, then it was, "So where is the middle ground here? We  
32 don't need to do everything, but what do we do?" So that is also something that we are  
33 trying to look at, and how one scales up, scales down, and the surge capacity that's  
34 needed. For me, I still have the concern that in terms of sustainability, it was clear that we  
35 just had 10 days that we experienced our response. It's clear that the public health service  
36 workforce, the HHS workforce, is really not large enough to sustain for a 12-week wave,  
37 and we have got to address how we're going to respond to some of this, particularly if  
38 we're going to do the mass immunization campaigns that the state is talking about. If  
39 we're actually going to have to do our dispensing centers or drive-bys, however we do it,  
40 we have got to make sure that we have enough staff to do that and how we have enough  
41 volunteers to do it. And it's fine when you're planning and you're doing the preventive thing

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1 and you can coordinate that, but when you have 30% of your workforce, 40% of your  
2 workforce, that may be out sick because they too are affected by this infection, then we do  
3 have a serious problem, but we still have to figure out how to respond. So those are things  
4 that we are concentrating over for the summer and early fall. And I also want to stress to  
5 you at this time, and it's important, when I said that the County is doing a Continuity of  
6 Operations exercise today, that this is most definitely a multi- section, multi-agency, multi-  
7 level-of-government, private/public event, and we all have to participate. So it's not just  
8 Montgomery County government. It's also our large businesses that we have in this  
9 County, in terms of what are their continuity of operations, what are they going to limit  
10 when 40% of their workforce cannot work? What are the essential functions that must  
11 continue? All of us will have to give attention to this, and I know it's a situation where you'd  
12 rather say, "Hey, when it comes, it comes," but in terms of appropriate response, we all  
13 have to think about that. So that is part of what we're trying to urge at this point in time.  
14 And HHS will be partnering even more with Chris Voss and Emergency Management and  
15 Homeland Security in terms of how to do this across agencies and with our public and  
16 private partners. There is a July 1 briefing that will be occurring for the Council of  
17 Governments, where I understand the Senior Policy Group and the Chief Administrator  
18 Officers want to have a briefing from both the health officers and emergency managers in  
19 terms of where we are, where we're going, and what our status is, what our needs are, so  
20 we're preparing to do that at this point in time. So I will stop there because I've said a lot, I  
21 know, and if we have time, I can give you a briefing on just a few other items that are  
22 happening that aren't related to infectious diseases.

23  
24 COUNCIL PRESIDENT ANDREWS:

25 OK. Thank you. That was very comprehensive, Dr. Tillman, and thorough, and what  
26 sounded to me like the--the major new information there was the plan for mass  
27 vaccination for school-age children for seasonal flu. That sounded like the biggest change  
28 that you mentioned. Can you give us a little more detail on that?

29  
30 ULDER TILLMAN:

31 I actually cannot give you too much detail on that, other than we have a meeting that is  
32 scheduled this week with MCPS staff in terms of how we're going to move forward. The  
33 health officers throughout the County had given their support to go forward with this, so  
34 that communication has gone between the state Department of Health and Mental  
35 Hygiene to the state Department of Education. Secretary Grasmick apparently has  
36 already has communicated to school superintendents, so we got that call last week, that  
37 they wanted to meet with us. We will plan that. We are submitting a proposal to the state  
38 in terms of the amount of vaccine we would like to have, how we would plan to, you know,  
39 get it distributed. It is going to focus on the ages of-- ages 5 to 11 is going to be the core.  
40 And we have to address, you know, which students we know already have insurance  
41 coverage and ought to be able to get their vaccine routinely, so those are things that need

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1 to be addressed of how we're going to do that. And the funding, which is really based on  
2 the federal stimulus money that is permitting us to do this, will allow for some special  
3 projects. And Montgomery County is very much interested, after our experience with  
4 measles, in having a project that's going to focus on our unimmunized adults and make  
5 sure that they can get some vaccinations, and not just for flu, but for measles and some  
6 other things so that that will keep us all healthier and cut down on the spread of that. And  
7 as an aside, we thought measles was over, and last week, we got a report of another  
8 confirmed case, but I assume that it's not as serious as the three clusters we had in  
9 March, you know, because I've not heard more from my staff about that.

10  
11 COUNCIL PRESIDENT ANDREWS:

12 Thank you. Has there been an effort of this scale before for mass vaccinations for  
13 seasonal flu for school-age children?

14  
15 ULDER TILLMAN:

16 Yes. About two years ago, the state encouraged various local jurisdictions to do that, and  
17 there are some counties that do it now routinely since the two years ago. We had one, I  
18 guess it was

19 a couple of years ago, with our school-based health centers, and we held some mass  
20 vaccinations, but not on the scale of what we're looking at at this point in time.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 And the goal would be, I assume, for  
24 all children between the age of 5 and 11?

25  
26 ULDER TILLMAN:

27 That is the goal.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 OK. All right. Thank you. Councilmember Leventhal.

31  
32 COUNCILMEMBER LEVENTHAL:

33 Thank you, Dr. Tillman. That was an excellent presentation, and I appreciate the approach  
34 of evaluating what worked and what didn't work and what needs to be improved. I thought  
35 that was very thorough and forthcoming, and appreciate it. My 10-year-old is allergic to  
36 eggs, and I understand the flu vaccine is cultured in eggs. Do children like my son who  
37 have an egg allergy need to avoid getting this vaccine?

38  
39 ULDER TILLMAN:

40 That is something that does need to be assessed. We are working also with our  
41 manufacturer who is here in Montgomery County with the hopes that most of that will be



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1 flu mist that can be administered, and I believe--but I would need to check--but I think the  
2 flu mist, because it's not grown in the eggs, does not have that contraindication. But that is  
3 something that I know that my staff will look at. We always do the assessment before any  
4 vaccine can be given so that we will have clear policies as the time comes in terms of who  
5 is eligible, who is not.

6  
7 COUNCILMEMBER LEVENTHAL:

8 So your intent would be that all children would be administered flu mist, or just those who  
9 are not able to get the needle?

10  
11 ULDER TILLMAN:

12 No. We're told at this point in time that the state is very much trying to get the bulk of it in  
13 flu mist, since that's the age group, and it's easier for them if they can just take it, you  
14 know, nasally, no shot. But we will be dependent on what they are able to distribute. But  
15 that is their intention, to have the bulk of it as flu mist.

16  
17 COUNCILMEMBER LEVENTHAL:

18 Let me just ask Linda McMillan, and Councilmember Ervin stepped away, but maybe we  
19 could schedule a very brief update in a joint HHS and Education Committee in the fall.

20  
21 COUNCIL PRESIDENT ANDREWS:

22 Very good. Thank you. Councilmember Navarro.

23  
24 COUNCILMEMBER NAVARRO:

25 Thank you so much, Dr. Tillman, for this briefing. I'm pleased to see the issue of  
26 communication as one. It's always a challenge, and it's always a goal, and I think it's  
27 definitely so critical that communication be very, very robust. I think that, especially if there  
28 is going to be a focus on school-age children, you know, pediatricians, both in the private  
29 practice as well as whatever we do have with County services making sure that there is  
30 robust understanding of what is happening, what's the status, et cetera. And I'm always  
31 mindful of low-income families, and especially those that don't speak English, in terms of  
32 how is this communication taking place, so I'm glad to see that it's identified here. And so  
33 as I'm sitting here thinking about, you know, the school-age children coming back in  
34 September, late August, and this constant need to wash hands-- and I know that's always  
35 something we try to do. Has there ever been any conversation --and we have many  
36 classrooms, I know--of installing hand sanitizers and just making it part of the routine--you  
37 know, as you walk in, as you walk out --as a measure to ensure that we're not just relying  
38 on--on the hope that maybe they are washing their hands thoroughly, and even looking at  
39 what the cost would be, just as a measure during this particular pandemic situation?

40  
41 ULDER TILLMAN:

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1 Thank you for that question. We actually do, every year, have a conversation with our  
2 school system and our --the nurses in terms of the Washing Hands Frequently and Cover  
3 the Cough campaigns, and we do try to coordinate with MCPS in terms of their  
4 procurement, and we do work closely with them in terms of what supplies they--they need  
5 to have on hand. That actually did come up with this last flu outbreak that we were  
6 handling and trying to address, and I know that that's going to be part of the discussion  
7 that we'll be having this week or next week with the school system in terms of what do  
8 they need to procure, what will be on hand. We even got into that with our own County  
9 employees, as well, in terms of having certain supplies. We work with our-- and it's  
10 fortunate that we have our Minority Health Initiatives as well with our school nurses and  
11 our international school in terms of trying to reach our minority populations in the language  
12 that they're comfortable and to try to assess, do they understand the message, and what  
13 will work best for them? So we will continue to do that, and that's an excellent point, and  
14 I'm glad you mentioned that. We did also utilize the Connect-ED as we were going  
15 through the last outbreak, so as many tools and media that we can, that's what we'll need  
16 to be focusing on. Thank you.

17  
18 COUNCIL PRESIDENT ANDREWS:

19 Thank you, Councilmember Navarro. For the public that's watching or listening out there  
20 or going to read the stories that reporters are writing, what, again, should the public do to  
21 reduce, you know, for good public health practices regarding protection against the  
22 transmission of flu?

23  
24 ULDER TILLMAN:

25 I would like to say to the general public--and it's not just with the flu, but it's really with any  
26 infectious illness that you have--please get into the habit of washing your hands with soap  
27 and water frequently, and that's for about 15-20 seconds at a time. Concentrate on  
28 washing all surfaces. You want to make sure that you wash your hands before you eat. If  
29 you cough or sneeze and if you have not used a tissue or your sleeve to cough, that's the  
30 time to wash your hands again. And also, be mindful--and I know it's hard to do, but start  
31 thinking about it now--that if you are in the company of someone who's coughing and  
32 sneezing and they're not using proper etiquette, try to keep that six-foot distance from  
33 them. And that is something to consider-- you know, how we sit, how we, you know,  
34 interact, in terms of how to reduce that transmission. But let's start thinking about that  
35 now. I encourage the public to just stay tuned in terms of the messages that come from  
36 the federal government and from HHS in terms of advisories. We will try to find as many  
37 modes as possible to communicate that information, whether it's radio, newspaper, the  
38 website. But pay attention. And I would also say this--do not panic. Please do not panic.  
39 We are working very hard to stay on top of this, and we will give advice, and just try to  
40 listen, and you'll do OK.



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1 COUNCIL PRESIDENT ANDREWS:

2 OK. Thank you, Dr. Tillman. Councilmember Knapp.

3  
4 COUNCILMEMBER KNAPP:

5 Thank you, Mr. President. I have the honor and privilege of chairing the Emergency  
6 Preparedness Council for the Council of Governments right now, and so we had a briefing  
7 last week from the woman who is the Chief Medical Officer, I believe in city of Alexandria,  
8 and walked through many of the things that you just presented here, and I thank you, and  
9 it sounds like we're all linked together. One of the issues, though, that's health related but  
10 not necessarily as health related, that came up is, especially in a county like ours, where  
11 we have lots of folks who can't not work that-- what do we--what kind of-- and I don't  
12 expect an answer right this second, but I'd like at some point to get an understanding of  
13 what are we-- what kind of communications or what types of outreach are we doing for  
14 those individuals and the types of businesses in which they work, because they're hourly  
15 workers, and if they can't make their money then-- and so there's--even if they may be ill,  
16 there's a strong likelihood they're going to show up in the workplace because they have  
17 to. And so how do we think we're going to deal with that, and then are there conversations  
18 within County government as to a continuity of operations? Presumably, we're going to  
19 want to make sure that if there is a wider outbreak, that we have people staying home,  
20 which is then going to have some ramifications as to what jobs are or are not getting  
21 done, and are we taking --having conversations now to kind of begin to set that up in  
22 hopes that it doesn't happen, but if it does, we're prepared?

23  
24 ULDER TILLMAN:

25 Your last question, I can answer it right away, that yes, we are having those  
26 conversations, and they began with Chief Bowers and with others--Tom Street and with  
27 Chris Voss--and I would assume that in the exercise they're doing today, there are also  
28 going to be focusing on that continuity of operations. And there has been a progressive  
29 plan in looking at continuity of operations department by department and what they're  
30 doing, so we have focused on that and will continue to do so. Your first question is a hard  
31 question, and it's a good question, and I've been concerned with that, too, in terms of  
32 hourly workers. The Centers for Disease Control and federal Homeland Security also tried  
33 to get the message out to employers that for the safety of everyone, to give the liberal  
34 leave and to focus on how one... I guess it has to do with sick leave and compensation,  
35 that sort of thing. But I know it's very difficult for hourly workers who, if they don't work,  
36 they don't eat, they don't get paid, and that is a concern that we are struggling with.

37  
38 COUNCILMEMBER KNAPP:

39 The irony is there, too, that if I'm the employer, if I have someone that comes in who is  
40 sick and has just infected the rest of my workforce, I get even less done than I would have

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1 otherwise, and so the balance of a continued compensation plan versus, you know--it  
2 seems as though there's a conversation that we need to try to engender somehow.

3  
4 **ULDER TILLMAN:**

5 Yes, and, you know, when the SARS event was happening in Canada, they began having  
6 conversations about that. We've tried to recruit bioethicists and others to help us with  
7 some of these difficult policy decisions, but I know it gets into who reimburses the  
8 employer, who does the compensation for the employee who's sick, who's at home.  
9 They're difficult conversations, but we are trying to have them, and we do obviously need  
10 to have more, because there's no doubt in my mind that if the sick individuals go to work  
11 because they have to, everyone gets sick, and then you have to shut down businesses or  
12 operations, so that that doesn't help, either. So I know there are these issues about  
13 workers' compensation that have to be addressed so that we can keep continuing. So  
14 very good question, but I have no ready answer for it.

15  
16 **COUNCIL PRESIDENT ANDREWS:**

17 OK. Thank you, Councilmember Knapp. We have to head upstairs in just a couple of  
18 minutes to meet with the Planning Board. Is there anything that you wanted to add that  
19 you felt was urgent or important for us to know at this moment?

20  
21 **ULDER TILLMAN:**

22 I did want to just at least let you know two things. Number one, the Community Health  
23 Improvement Process is getting under way. It will have its official launch for Montgomery  
24 County this Thursday from 8:00 to 12 noon at the Universities at Shady Grove. We're  
25 pulling together stakeholders. We were fortunate to have the support of our four hospital  
26 systems, as well as Councilmember Leventhal, in terms of giving support so that we could  
27 get this process underway and this assessment under way. So it is going forward humbly,  
28 but we have support with a partner urban institute that's going to help us get through this. I  
29 also wanted to let you know that Montgomery County did fairly well with the  
30 implementation of the federal requirement, the Virginia Graham Baker requirement, for the  
31 safety of pools, so that we have some 499 sites; the bulk of those were in compliance with  
32 the opening of pools. We only have maybe about nine or 10 that are outstanding, but they  
33 have multiple reasons for being outstanding and not that safety trap filtration.

34  
35 **COUNCIL PRESIDENT ANDREWS:**

36 Is that drainage pipe--the pipe in the pool?

37  
38 **ULDER TILLMAN:**

39 Yeah, the--

40  
41 **COUNCIL PRESIDENT ANDREWS:**

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1 The drainage, the vent--the suction.

2

3 ULDER TILLMAN:

4 Intake. Yes.

5

6 COUNCIL PRESIDENT ANDREWS:

7 Intake, yeah.

8

9 ULDER TILLMAN:

10 It's to prevent the entrapment of an individual, and entanglement, so we've done fairly well  
11 with that, and I'm pleased that we've made that progress. So our staff is working on that,  
12 as well.

13

14 COUNCIL PRESIDENT ANDREWS:

15 Very good. Thank you. And I want to note that we were joined for this presentation by the  
16 Uma Ahluwalia, the director of the Department of Health and Human Services. Good to  
17 see you. All right, I think that does it for the morning, so we're going to now recess for our  
18 meeting with the Planning Board upstairs in the fifth-floor conference room. Thank you all.

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1 COUNCIL PRESIDENT ANDREWS:

2 All right. Good afternoon, everybody, and welcome to the afternoon session of the County  
3 Council. We have four public hearings and action on each. We actually do not have any  
4 speakers for any of the public hearings.

6 COUNCILMEMBER FLOREEN:

7 Do we need six people?

9 COUNCIL PRESIDENT ANDREWS:

10 We need five. We need five. Yeah. So they're--

12 COUNCILMEMBER FLOREEN:

13 Here we go.

15 COUNCIL PRESIDENT ANDREWS:

16 Oh, there we go. OK. So our first--

18 COUNCIL VICE PRESIDENT BERLINER:

19 Is the meeting over?

21 COUNCIL PRESIDENT ANDREWS:

22 Almost. Our first public hearing and action will be on a supplemental appropriation to the  
23 County government's FY09 Operating Budget, the Department of Environmental  
24 Protection, in the amount of \$410,000 for the National Clean Diesel Emerging --Emerging-  
25 -sorry-- Technology Program. The source is a federal grant, and the T&E Committee is  
26 recommending approval. There are no speakers for this public hearing, so the public  
27 hearing is closed. And we will now proceed to action, and the T&E Committee has a  
28 recommendation of approval. Right?

30 COUNCILMEMBER FLOREEN:

31 We do indeed, so...

33 COUNCIL VICE PRESIDENT BERLINER:

34 Move approval.

36 COUNCILMEMBER FLOREEN:

37 Yeah. We --the motion is on the table.

39 COUNCIL PRESIDENT ANDREWS:

40 OK. So all those in favor of the committee recommendation to approve \$410,000 as a  
41 supplemental appropriation for the FY09 Operating Budget for the National Clean Diesel

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1 Emerging Technology Program, please raise your hand. And that is Councilmember  
2 Navarro, Councilmember Floreen, myself, Council Vice President Berliner,  
3 Councilmember Knapp, Councilmember Ervin, and Councilmember Leventhal. That is  
4 approved, 7-0. Thank you. Our next public hearing is on a supplemental appropriation to  
5 the County government's FY09 Operating Budget of the Department of Housing and  
6 Community Affairs for the amount of \$2,104,743 for the Homeless Prevention and Rapid  
7 Re-Housing Program. There are no speakers for the public hearing. The source of funds  
8 is a federal grant, and action is scheduled immediately following the hearing, and I need a  
9 motion-- this went directly to the Council rather than to committee.

10  
11 COUNCILMEMBER KNAPP:  
12 So moved.

13  
14 COUNCIL PRESIDENT ANDREWS:  
15 Moved by Councilmember Knapp.

16  
17 COUNCIL VICE PRESIDENT BERLINER:  
18 Second.

19  
20 COUNCIL PRESIDENT ANDREWS:  
21 Seconded by Council Vice President Berliner. All those in favor of the supplemental  
22 appropriation of \$2,104,743 for the Homeless Prevention and Rapid Re-Housing Program  
23 for the County government's FY09 Operating Budget, please raise your hand. And that is  
24 Councilmember Navarro, Councilmember Trachtenberg, Councilmember Floreen, myself,  
25 Council Vice President Berliner, Councilmember Knapp, Councilmember Ervin, and  
26 Councilmember Leventhal. That is approved, 8-0. Our next public hearing is on a  
27 supplemental appropriation to the County government's FY09 Operating Budget of the  
28 Department of Housing and Community Affairs in the amount \$2.5 million for the  
29 Neighborhood Conservation Initiative. The source of funds is a state grant. There are no  
30 speakers for the public hearing, so the public hearing is closed, and action is scheduled  
31 now. I need a motion.

32  
33 COUNCILMEMBER FLOREEN:  
34 So moved.

35  
36 COUNCIL PRESIDENT ANDREWS:  
37 All right.

38  
39 COUNCIL VICE PRESIDENT BERLINER:  
40 Second.

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1 COUNCIL PRESIDENT ANDREWS:

2 Moved by Councilmember Floreen. Seconded by Council Vice President Berliner. All  
3 those in favor of appropriating \$2.5 million as a supplemental appropriation to the FY09  
4 Operating Budget to the Department of Housing and Community Affairs for the  
5 Neighborhood Conservation Initiative, please raise your hand. And that is Councilmember  
6 Navarro, Councilmember Trachtenberg, Councilmember Floreen, myself, Council Vice  
7 President Berliner, Councilmember Knapp, Councilmember Ervin, Councilmember  
8 Leventhal. That is approved, 8-0. And our final public hearing and action this afternoon is  
9 on a supplemental appropriation to the County government's FY09 Operating Budget of  
10 the Department of Housing and Community Affairs in the amount of \$1,376,548 for the  
11 Community Development Block Grant - Recovery Program. The source is a--source of  
12 funding is a federal grant. There are no speakers for the public hearing, so the public  
13 hearing is closed, and action is scheduled for now. Is there a motion?

14  
15 COUNCILMEMBER ERVIN:

16 So moved.

17  
18 COUNCILMEMBER FLOREEN:

19 Second.

20  
21 COUNCIL PRESIDENT ANDREWS:

22 Moved by Councilmember Ervin. Seconded by Councilmember Floreen. All those in favor  
23 of approving a supplemental appropriation of-- I'm sorry. Councilmember Trachtenberg?  
24 Yes.

25  
26 COUNCILMEMBER TRACHTENBERG:

27 It's fine.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 All right. Of this amount for this purpose, please raise your hand. Councilmember Navarro,  
31 Councilmember Trachtenberg, Councilmember Floreen, myself, Council Vice President  
32 Berliner, Councilmember Knapp, Councilmember Ervin, Councilmember Leventhal.  
33 Supplemental appropriation is approved, 8-0, and we are adjourned for the day. Thank  
34 you.